

# STATE OF TENNESSEE

## *Workers' Compensation Advisory Council*



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### ANNUAL REPORT - CALENDAR YEAR 2004

*including*  
Statistical Report: Tennessee Workers' Compensation Data - 2004  
*and*  
Trends CY2000 - CY2004

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DALE SIMS, STATE TREASURER  
CHAIR

# STATE OF TENNESSEE

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DALE SIMS, STATE TREASURER  
CHAIR

M. LINDA HUGHES  
EXECUTIVE DIRECTOR

DAVID W. WILSTERMANN  
STATISTICAL ANALYST

August, 2005

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**STATE OF TENNESSEE  
WORKERS' COMPENSATION ADVISORY COUNCIL  
ANNUAL REPORT  
CALENDAR YEAR 2004**

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Pursuant to *Tennessee Code Annotated* §50-6-121(c), the Workers' Compensation Advisory Council herewith submits its annual report for calendar year 2004:

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**HISTORICAL BACKGROUND**

The Workers' Compensation Advisory Council was created initially by the legislature in the Workers' Compensation Reform Act of 1992. The Workers' Compensation Reform Act of 1996 terminated that existing Advisory Council and created a new advisory council on workers' compensation. The Advisory Council initially was to be comprised of seven (7) voting members [six (6) appointed members and a chair to be selected by the appointed voting members], four (4) nonvoting members, and four (4) ex officio members.

In 1997, the statute was amended to add an additional nonvoting attorney member to be selected from a list of three names submitted by the Tennessee Trial Lawyers Association. As of January, 1998, a Chair had not been selected by the voting members. During the 1998 legislative session the General Assembly amended *TCA* §50-6-121 to designate the State Treasurer, or the

Treasurer's designee, as Chair of the Advisory Council. The statute provides the Chair may vote only on matters related to the administration of the Advisory Council or the Advisory Council's research and the chair may not vote on any matter which constitutes the making of a policy recommendation to the Governor or to the General Assembly.

During the legislative session of 2001, the General Assembly added an additional non-voting member to the Advisory Council to represent the Tennessee Defense Lawyers Association. In 2003, a non-voting member was added to the Advisory Council to represent the interests of Tennessee hospitals

#### **MEMBERSHIP CHANGES - 2004:**

Calendar year 2004 brought no changes to the membership of the Advisory Council. As of December 31, 2004, the Advisory Council was composed of a chair, six voting members, seven (7) non-voting members, and four (4) ex-officio members. Attached as APPENDIX - A to this report is a chart that identifies the members of the Advisory Council as of December 31, 2004.



#### **DUTIES AND RESPONSIBILITIES OF THE ADVISORY COUNCIL**

*Tennessee Code Annotated* §50-6-121 (as amended by the Reform Act of 2004 ) outlines the authority given to the Advisory Council, its general duties and its specific responsibilities. The statute makes it clear that the Advisory Council's role is strictly advisory. The statute specifically authorizes the Advisory Council to:

- make recommendations to the governor, the general assembly, the special joint committee on workers' compensation, the standing committees of each house that review the status of the workers' compensation system, the commissioner of labor and workforce development and the commissioner of commerce and insurance

- relating to the promulgation or adoption of legislation or rules;
- make recommendations to the commissioner of labor and workforce development and the commissioner of commerce and insurance regarding the method and form of statistical data collections; and
- monitor the performance of the workers' compensation system in the implementation of legislative directives.

Additional responsibilities of the Advisory Council are contained in other sections of the workers' compensation law and in the insurance law, codified in *Tennessee Code Annotated*, Titles 50 and 56, respectively. Annually, the Advisory Council is required to review the workers' compensation system in Tennessee and report its findings to the Governor, the Speakers of the Senate and House of Representatives and other specified members of the legislature. This Annual Report fulfills that responsibility.

The Advisory Council is also directed to provide the Commissioner of Commerce and Insurance with a recommendation regarding the advisory prospective loss costs filing made by the National Council on Compensation Insurers (NCCI), the authorized Tennessee rating bureau. The Advisory Council's actions regarding the loss costs filings submitted in 2004 are outlined herein.

Another general responsibility of the Advisory Council is to develop evaluations, statistical reports and other information from which the General Assembly may evaluate the impact of the 1992 Reform Act and subsequent changes to the workers' compensation system. The Department of Labor and Workforce Development maintains an integrated workers' compensation data system into which data from the statistical data forms received by the Department are entered. The Department provides Advisory Council staff access to the data system which enables the Advisory Council to statistically evaluate the Tennessee workers' compensation system.

Since the publication of the 2001 Annual Report, the Advisory Council has included Tennessee specific statistics, evaluations and information from which the General Assembly can evaluate the impact of the 1992 and 1996 Reform Acts in each annual report. Tennessee workers' compensation data from calendar year 2004 and trends for calendar years 2000 through 2004 are included herein as APPENDIX F.

During 2004, the General Assembly passed the Workers' Compensation Reform Act of 2004. The 2004 Reform Act made substantial changes in the Tennessee workers' compensation law and made changes to the Workers' Compensation Advisory Council statute also. The following lists the additions or changes made to *TCA* §50-6-121:

- The Advisory Council was directed to perform four studies:
  - 1) Review the provisions of 50-6-204(a)(4) (employer to supply panel of physicians), particularly as these provisions related to restrictions on the employee's choice of treating physician; and make recommendations concerning any proposed changes to this subsection.
  - 2) Review of Definition of "Injury" and "Personal Injury" [as defined in 50-6-102(12)] and make recommendations concerning any proposed revisions to the current definition.
  - 3) Review the issue of replacing the existing court based system of adjudication with an administrative commission or board and make recommendations concerning any proposed changes to the existing system.
  - 4) Study and report on the occupational health and safety of employments in Tennessee and make recommendations for safe employment education and training and promote the development of employer-sponsored health and safety programs.
- The Advisory Council's annual report must include a summary of significant court decisions relating to workers' compensation; an explanation of impact of these decisions on existing policy; and a breakdown of awards by judicial district.
- The Advisory Council's review of proposed workers' compensation legislation

referred to it by any standing committees must describe potential effects of the proposed legislation on the workers' compensation system and its operation and provide any other information or suggestions the Council thinks helpful but must not include any recommendation for or against the proposed legislation.

- The Advisory Council is required to submit a written report to the standing committees in the House and the Senate within 10 business days of any Advisory Council meeting that summarizes the meeting and reports all actions taken and all actions recommended to be taken.
- Voting members of the Advisory Council are prohibited from utilizing proxy voting at meetings.
- The Administrative Office of the Courts is required to consult with the Advisory Council to develop and provide continuing education programs on topics related to workers' compensation at each annual meeting (of the courts).



## **ACTIVITIES OF THE ADVISORY COUNCIL**

### **~CALENDAR YEAR 2004~**

The Advisory Council is required by statute to meet at least two times during a calendar year. In 2004, the Advisory Council met on eight (8) different dates: March 26; April 16; May 3; July 20; August 26; October 7; November 18; and December 16. The minutes of the meetings of the Workers' Compensation Advisory Council can be reviewed at the Advisory Council's website: [www.state.tn.us/labor-wfd/wcac](http://www.state.tn.us/labor-wfd/wcac).

During calendar year 2004, the Advisory Council considered and discussed many different issues that impact the Tennessee workers' compensation system. The following summarizes the most significant of those issues.



**I. WORKERS' COMPENSATION LEGISLATION - Filed in 2004**

The 104<sup>th</sup> General Assembly of the State of Tennessee convened in Nashville in January of 2004. Governor Bredesen announced prior to the beginning of the legislative session that he would propose substantial reform of the Tennessee workers' compensation system. As a result of the reform effort there were a large number of workers' compensation bills filed. The Advisory Council was requested to review all proposed workers' compensation legislation, including the administration's proposed reform bill.

The Advisory Council met on March 26, April 16 and May 3 to review, discuss and make comments and recommendations regarding workers' compensation legislation. On March 26 the Advisory Council reviewed twenty-two (22) bills; nine (9) filed bills were not reviewed as they appeared to be caption bills. As of the March 26 meeting, the administration had not filed its proposed reform bill. The Joint Committee on Workers' Compensation met and considered the Advisory Council's recommendations concerning the bills that had been reviewed on March 26. The Joint Committee deferred action on three bills and requested the Advisory Council to meet and consider any proposed amendments to the three deferred bills.

The Advisory Council met on April 16, 2004, to consider any proposed amendment to the three bills deferred by the Joint Committee and to consider the administration's comprehensive reform proposal. Only one proposed amendment was submitted prior to the meeting and the administration's proposal was not yet filed as of April 16.

The Advisory Council met again on May 3 to consider the administration's proposed reform legislation and to consider various proposed amendments to the administration bill. The Advisory Council's specific recommendations regarding all reviewed workers' compensation legislation are reported in the minutes of the March 26, April 16 and May 3 meetings. These minutes are posted on the Advisory Council website: [www.state.tn.us/labor-wfd/wcac](http://www.state.tn.us/labor-wfd/wcac).

## **II. FILINGS BY THE NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC.**

The National Council on Compensation Insurance [hereinafter, NCCI] is the authorized rate making entity for all workers' compensation carriers in the State of Tennessee. The NCCI makes various filings on behalf of the carriers and these filings are submitted to the Commissioner of Commerce and Insurance. Some filings require action by the Commissioner and others do not. One type of filing is the advisory prospective loss costs and rating values filing that is submitted each year as a result of the adoption of the loss costs system in 1996. *Tennessee Code Annotated* §50-6-402 requires the Commissioner of Commerce and Insurance to consult the Advisory Council before approving any advisory prospective loss costs filing. The Advisory Council is then required to make written comment on the filing to the Commissioner of Commerce and Insurance within 60 days of the receipt of the filing.

The 1996 Reform Act restricted the actions available to the Commissioner of Commerce & Insurance regarding advisory prospective loss costs filings. Under the provisions of that act, the Commissioner can either approve or disapprove the filing; the filing could not be modified by the Commissioner in any way. In 1998, the statute was amended to permit the Commissioner of Commerce & Insurance to modify the filing, provided the modification is within the range established by the recommendation of the rate service organization [NCCI] in its filing and the recommendation of the Advisory Council.

The following summarizes the filings submitted by the NCCI in 2004, the actions taken by the Advisory Council concerning those filings and the orders issued by the Commissioner of Commerce and Insurance regarding the filings.

**A. "Law Only" Filing****\*Related to the Workers' Compensation Reform Act of 2004**

On June 25, 2004, the Commissioner of Commerce and Insurance forwarded to the Advisory Council a "Law Only" loss costs filing submitted by the NCCI. The filing proposed a -6.3% average overall decrease from the current loss costs as a result of the passage of the Workers' Compensation Reform Act of 2004. The proposed change was recommended to be applicable to all workers' compensation insurance policies that were either new policies written or current policies renewed on or after September 1, 2004. The Advisory Council met on July 20, 2004, to consider the "Law Only" filing. At the meeting, the voting members unanimously recommended the following:

- the proposed -6.3% decrease in loss costs be approved;
- the impact of the -6.3% decrease should be distributed across the five industry groups by their distribution of losses; and
- the filing should become effective on September 1, 2004, and should apply to new and renewal policies.

Following this recommendation, the Commissioner of Commerce and Insurance approved the proposed -6.3% decrease in the loss costs as a result of the "Law Only" filing to be effective on September 1, 2004.

**B. Advisory Prospective Loss Costs Filing - 2004 Annual Filing**

Since the implementation of the loss costs system in Tennessee in 1996, the NCCI has submitted an annual advisory prospective loss costs filing in August. The annual proposed loss costs filing has had an effective date of March 1 of the following year since the 1999 annual filing. However, in 2004, the Commissioner of Commerce and Insurance requested the NCCI to submit two "annual" advisory prospective loss costs filings; the first [with an effective date of March 1, 2005, (the usual effective date)] recommended an overall increase of +3.4% and the second recommended an overall increase of +3.9% [with an effective date of July 1, 2005], the date upon which the workers' compensation medical fee schedule would become effective.

At the October 7, 2004, meeting the Advisory Council, with the concurrence of the Commissioner of Commerce and Insurance, decided to review and comment on the filing that had an effective date of March 1, 2005. At the November 18, 2004, meeting the Advisory Council voted unanimously to recommend the NCCI's proposed overall increase of +3.4% from the loss costs that became effective on September 1, 2004, and the individual loss costs for each classification as included in the NCCI's filing, be approved to be effective on March 1, 2005.

On December 28, 2004, the Department of Commerce and Insurance informed the Advisory Council that Commissioner Flowers had signed an "Order Disapproving Workers' Compensation Loss Cost Filing" on December 22, 2004, and that the NCCI had been requested to submit a new filing with an effective date of July 1, 2005, which the NCCI did on December 23, 2004. The Advisory Council was requested to review the new filing pursuant to *TCA* §50-6-402(b). Thus, as of the end of calendar year 2004, no "annual" prospective loss costs filing had been approved.

As a historical record, the following chart is provided to the reader. It outlines the loss costs filings, the Advisory Council recommendations and the Department's approvals from 1996 through 2004:

Year Filing Made	NCCI Filed Rate	Advisory Council Recommendation	Commerce & Insurance Approved Rate	Effective Date
1996	-5.4%	-8.2%	-8.2%	1/1/1997
1997	-3.4%	-10.0%	-7.0%	1/1/1998
1998	-10.3%	-9.0%	-9.0%	3/1/1999
1999	+3.3%	+7.0%	+7.0%	3/1/2000
2000	No Filing Submitted			Rates Effective 3-1-2000 Continue
2001	+0.5%	+1.4%	+1.4%	3/1/2002

2002	-3.1%	0.0% with each class code relativity to be adjusted accordingly	0.0% with each class code relativity to be adjusted accordingly	3/1/2003
2003	+7.9%	+7.9% with each class code relativity to be adjusted accordingly	+7.9% overall increase with each classification code within the industry groups to be readjusted as specified by the Department	3/1/2004
2004	-6.3%	-6.3%	-6.3%	9/1/2004 “Law Only” Filing
2004	+3.4%	+3.4% from loss costs effective on 9/1/04; individual loss costs for each classification as included in NCCI filing to be approved effective March 1, 2005	Commissioner of Commerce and Insurance issued an order on December 22, 2004 disapproving the loss costs filing to be effective on March 1, 2005	Disapproved * On 12/23/04 the NCCI submitted a new filing as requested by the Commissioner recommending a +3.9% increase to be effective on July 1, 2005.

### III. TENNESSEE'S WORKERS' COMPENSATION INSURANCE MARKETS

#### A. Tennessee Workers' Compensation Insurance Market - In General

At the October 7, 2004, meeting, the Commissioner of Commerce and Insurance reported that as of the end of **2003**, the Tennessee workers' compensation insurance market totaled \$1.6 billion in premiums. The total **2003 premium** was comprised as follows:

Type of Market Segment	Total Premium (in millions)	Percentage of Total Market	Market Segment Percentage Growth from 2002 to 2003
Large Deductible Insurance Policies * †	\$629	39%	18
Self-Insured Employers † [147 self-insured employers; 322,498 covered employees]	\$263	16%	12
Self-Insured Groups † ‡ [10 self-insured groups, excluding government groups; 158,582 covered employees]	\$58	4%	15
TWCIP (Assigned Risk Plan)	\$131	8%	20
Voluntary Market	\$547	33%	9

\* Large deductible premium is estimated [79% is deductible credit; 21% is reported premium]

‡ Self-Insured Groups exclude government groups

† Loss sensitive programs comprise 58% of the total market

**B. Tennessee Assigned Risk Market:****1. Relative Size of the Assigned Risk Pool**

*TCA* §56-5-314(c)(3) requires the Department of Commerce and Insurance to make an annual determination concerning the relative size of the workers' compensation assigned risk pool as compared to the entire workers' compensation insurance marketplace. The statute also requires, if the size is determined to be greater than 15%, the Commissioner of Commerce and Insurance to report to the Advisory Council on whether any actions authorized by the statute should be implemented. By letter dated June 28, 2004, Commissioner Flowers informed the Advisory Council that the relative size of the assigned risk plan was 15.65% and presented a report detailing reasons for the increase and the department's response as to how the increase should be addressed. The Commissioner made the following comments and recommendations to the members of the Council:

- The assigned risk plan experienced its greatest growth during 2001, a time when the market was hardening due to a sluggish economy and the resulting deteriorating investment income experienced by workers' compensation insurers.
- The assigned risk plan share of the market continued to grow during 2002 and 2003 but at a substantially decreased rate.
- The Department of Commerce and Insurance, on the basis on the decline in growth and the improving economy, felt the market will become more competitive and the assigned risk plan membership will decline accordingly.

The Department recommended two initiatives that should be undertaken to stimulate the movement of assigned risk policyholders into the voluntary market:

- I. Actively market the currently available list of assigned risk policyholders to the voluntary workers' compensation insurance companies and encourage their consideration to write risks.
- II. Require an employer in the assigned risk plan for three or more years to reapply to the plan at the time of their policy renewal date to determine if the employer is still eligible to participate in the assigned risk plan.

The Department advised the Council that it was of the opinion these actions, along with improved market conditions, should effectively reduce the percentage of membership in the assigned risk plan to less than 15%.

At the July 20, 2004, meeting, Commissioner Flowers discussed the assigned risk plan and the Department's recommended actions to depopulate the assigned risk plan that she had outlined in the June 28 letter. The Advisory Council voting members unanimously recommended the plan submitted by the Department of Commerce and Insurance be adopted.

**2. Tennessee Workers' Compensation Insurance Plan (TWCIP)**  
**[Tennessee's assigned risk plan administered by AON Risk Services, Inc.]**

During the August 26, 2004, meeting of the Advisory Council, a representative of AON, the assigned risk plan administrator, presented a report concerning the Tennessee assigned risk plan. The plan administrator reported that the appetite of workers' compensation insurance carriers had waned considerably during Plan Years 2001- through 2003. In Plan Year 2002, the TWCIP saw a growth in total premium from \$73,043,878 to \$122,325,670. That growth continued in Plan Year 2003 as the total premium in the TWCIP reached \$130,741,531. AON reported that the premium growth in Plan Year 2003, did not match the rate of growth experienced for Plan Year 2002. When comparing premiums for calendar year 2001 to the same period in 2002, the estimated premiums had increased 63.4%. However, the estimated premium levels from Plan Year 2002 to Plan Year 2003 increased 13.4%. While still a significant rate of growth, AON reported to the Advisory Council that it believed the TWCIP was showing signs of leveling-off.

AON reported the decline in the rate of growth of the assigned risk plan continued into the first six months of 2004. The rate of growth for the first six months of Plan Year 2002 compared to Plan Year 2003 was 23.9% while the rate of growth for the first six months of 2004 yielded a rate of growth of 5.1%. In addition, AON stated that new business applications also appeared to be declining.



AON also discussed data relative to premium size in the TWCIP. It was reported that the amount of premium written in policies over \$100,000 decreased by 3.3% which represents the first signs of a general depopulation as larger accounts are generally the first to leave an assigned risk plan program. The Administrator of the TWCIP predicted the premium volume will level off during Plan Year 2004. It was hoped by the Administrator that with improved underwriting results for 2004, a stable equity market and the implementation of the Department of Commerce and Insurance initiatives to depopulate the assigned risk pool, the TWCIP should shrink significantly in 2005.

Loss projections of the Tennessee assigned risk plan, as of December 31, 2003, were reported as follows:

Plan Year 1998	Expected Ultimate Deficit of \$3,326,501
Plan Year 1999	Expected Ultimate Deficit of \$1,354,943
Plan Year 2000	Expected Ultimate Deficit of \$7,419,786
Plan Year 2001	Expected Ultimate Deficit of \$227,562
Plan Year 2002	Expected Ultimate Deficit of \$12,726,465
Plan Year 2003	Expected Ultimate Deficit of \$34,886,105 [This figure is based on very green, inaccurate data as a policy could be written on December 31, 2003 and the losses would not yet be determined and all the premiums for Plan Year 2003 would not have been collected. It is expected that the figure will decline as the year progresses.]

**C. Update on Company Insolvencies [as of August 31, 2004]:**

Company	State of Incorporation	Date Placed in Liquidation	Total # of Claims	Total Dollars Paid	Total Unpaid Claims
Reliance Insurance Company	Pennsylvania	10/3/01	1,701	\$ 21,012,062	\$ 15,899,120
Home Insurance Company	New Hampshire	6/13/03	107	\$ 882,488	\$ 1,857,532
Reciprocal of America	Virginia	6/20/03	305	\$ 985,947	\$ 4,757,760
Legion & Villinova Insurance Company	Pennsylvania	7/28/03	1,690	\$ 12,664,130	\$ 33,695,294

As of October, 2004, Kemper Group ( an Illinois domestic) that had discontinued writing business on August 1, 2003 had total premium on December 31, 2003 of \$1.2 million and a total of \$25.2 million of unpaid losses.

**D. Tennessee Guaranty Association**

During the years from 1990 through 1999, the Tennessee Guaranty Fund did not issue any assessments on workers' compensation insurance carriers due to insolvencies of carriers. However, beginning in 2000, assessments were necessary. The following assessments were made (amounts stated are approximate):

2000 - \$10 million

2001 - \$10.5 million

2002 - \$12 million

2003 - \$14 million.

## **V. WORKERS' COMPENSATION FRAUD**

*Tennessee Code Annotated* §50-6-121(f) [amended in 2002] requires the Advisory Council to report on the activities and outcomes of the Workers' Compensation Fraud Act within its annual report. However, in 2003, the Tennessee Bureau of Investigation's Fraud Unit was eliminated. No fraud statistics for calendar year 2004 are available to report.

## **VI. SIGNIFICANT COURT DECISIONS**

The Workers' Compensation Reform Act of 2004 directed the Advisory Council to include a summary of significant court decisions relating to workers' compensation, including an explanation of their impact on existing policy, in its annual report. The Advisory Council felt it would be beneficial to the members of the General Assembly to receive the case law information from the prior calendar year at the beginning of the subsequent legislative session. Therefore, on February 3, 2005, a copy of the Advisory Council's report titled "Summary of Court Decisions - Calendar Year 2004" was sent to the governor and the speakers of the senate and the house and all members of the General Assembly were notified concerning the report. A copy of the report is contained in APPENDIX E.

## **VII. STUDIES AND WORKERS' COMPENSATION DATA**

### **A. Studies**

The Workers' Compensation Reform Act of 2004 directed the Advisory Council to study and report on the following three issues [the reports are attached as appendices]:

1. Report On Definition Of "Injury" And "Personal Injury" [APPENDIX B]

2. Report On Issue Of Replacing Existing System For Adjudicating Workers' Compensation Claims With An Administrative Commission or Review Board [APPENDIX C]
3. Report On Selection And Change Of The Treating Physician In Workers' Compensation [APPENDIX D]

These reports were submitted to the General Assembly on January 7, 2005.

### **B. Tennessee Workers' Compensation Data**

As indicated previously in this report, the Advisory Council is fulfilling its statutory responsibility to develop information, evaluations and statistical reports concerning the impacts of the workers' compensation reforms by including in this Annual Report a statistical review of the Tennessee workers' compensation system (based on the data obtained from the Statistical Data Form filed at the conclusion of a workers' compensation claim). In addition, the Workers' Compensation Reform Act of 2004 requires the Annual Report to include a summary of all permanency awards broken down by judicial district. All the statistical data from calendar year 2004, trends for calendar years 2000 through 2004 and judicial district information are contained in APPENDIX F.

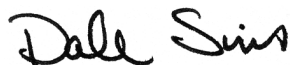
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## **CONCLUSION**

The Workers' Compensation Advisory Council met on eight (8) occasions in calendar year 2004. As in past years, these meetings ranged in length from as few as two and one-half (2.5) hours to as long as a full day. This Annual Report is intended to provide the reader a synopsis of the topics considered during the year as well as to provide a continuing picture of Tennessee workers' compensation system through statistics, both statewide and by individual judicial district.

The Advisory Council appreciates the opportunity to be of service to the Governor, the members of the General Assembly and the employees and employers of the great State of Tennessee.

Respectfully submitted on behalf of the  
Workers' Compensation Advisory Council  
on the 25th day of August, 2004:



Dale Sims, State Treasurer  
Chair

**APPENDIX A****WORKERS' COMPENSATION ADVISORY COUNCIL  
Members and Ex-Officio Members**

[As of December 31, 2004]

**MEMBERS**

| <b>Name</b> | <b>Affiliation</b> | <b>Address</b> | <b>Status</b> |
|-------------|--------------------|----------------|---------------|
|-------------|--------------------|----------------|---------------|

**Chair**

|           |                               |                                                        |       |
|-----------|-------------------------------|--------------------------------------------------------|-------|
| Dale Sims | Treasurer, State of Tennessee | First Floor, State Capitol<br>Nashville, TN 37243-0225 | Chair |
|-----------|-------------------------------|--------------------------------------------------------|-------|

**EMPLOYER REPRESENTATIVES**

|               |                                        |                                           |               |
|---------------|----------------------------------------|-------------------------------------------|---------------|
| Neil Nevins   | Tennessee Restaurant<br>Association    | 1224A Lakeview Dr.<br>Franklin, TN 37067  | Voting Member |
| Bob Pitts     | Associated Builders and<br>Contractors | 1604 Elm Hill Pike<br>Nashville, TN 37210 | Voting Member |
| Steven Turner | Turner Dairies, Inc.                   | 2040 Madison Avenue<br>Memphis, TN 38104  | Voting Member |

**EMPLOYEE REPRESENTATIVES**

|                  |                                              |                                                     |               |
|------------------|----------------------------------------------|-----------------------------------------------------|---------------|
| Jack A. Gatlin   |                                              | 365 Blankenship Road<br>Covington, TN 38019         | Voting Member |
| Jerry Lee        | Tennessee AFL-CIO Labor<br>Council           | 1901 Lindell Avenue<br>Nashville, TN 37203          | Voting Member |
| Othal Smith, Jr. | International Brotherhood of<br>Boilermakers | 357 Riverside Drive Suite 150<br>Franklin, TN 37064 | Voting Member |

**LOCAL GOVERNMENT REPRESENTATIVE**

|          |                                   |                                                                  |                   |
|----------|-----------------------------------|------------------------------------------------------------------|-------------------|
| Bob Kirk | City of Dyersburg -<br>Councilman | 425 W. Court Street<br>P.O. Box 1358<br>Dyersburg, TN 38205-1358 | Non-voting Member |
|----------|-----------------------------------|------------------------------------------------------------------|-------------------|

**INSURANCE REPRESENTATIVE**

|            |                                      |                                                |                   |
|------------|--------------------------------------|------------------------------------------------|-------------------|
| Jerry Mayo | Insurance Corporation of<br>Hannover | 9005 Overlook Boulevard<br>Brentwood, TN 37027 | Non-voting Member |
|------------|--------------------------------------|------------------------------------------------|-------------------|

**HEALTH CARE REPRESENTATIVES**

|                           |                                |                                                          |                   |
|---------------------------|--------------------------------|----------------------------------------------------------|-------------------|
| Claiborne Christian, M.D. | Tennessee Medical Association  | 221 W. Paris Street<br>Huntingdon, TN<br>38344           | Non-voting Member |
| David C. Stout            | Tennessee Hospital Association | 711 South Mountain View Circle<br>Johnson City, TN 37601 | Non-voting Member |

**ATTORNEY REPRESENTATIVES**

|                              |                                       |                                                                                                 |                   |
|------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------|-------------------|
| Katherine D. (Kitty) Boyte   | Tennessee Defense Lawyers Association | Ruth, Howard, Tate & Sowell<br>150 Second Avenue<br>Suite 201<br>Nashville, TN 37201            | Non-voting Member |
| Jacqueline B. Dixon, Esquire | Tennessee Bar Association             | Hollins, Wagster & Yarbrough,<br>P.C.<br>424 Church Street<br>22nd Floor<br>Nashville, TN 37219 | Non-voting Member |
| J. Anthony Farmer, Esquire   | Tennessee Trial Lawyers Association   | Farmer & Ferraris<br>6130 Lonas Drive<br>Knoxville, TN 37909-3233                               | Non-voting Member |

**EX OFFICIO MEMBERS**

|                  |                                                 |                                                                                           |                   |
|------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------|
| Joe Haynes       | State Senator                                   | Room 5, Legislative Plaza<br>Nashville, TN 37243-0220                                     | Ex-Officio Member |
| Jere Hargrove    | State Representative                            | Room 34, Legislative Plaza<br>Nashville, TN 37243-4156                                    | Ex-Officio Member |
| James G. Neeley  | Commissioner of Labor and Workforce Development | 710 James Robertson Pkwy<br>Andrew Johnson Tower<br>8th Floor<br>Nashville, TN 37243-0655 | Ex-Officio Member |
| Paula A. Flowers | Commissioner of Commerce and Insurance          | 500 James Robertson Pkwy<br>Davy Crocket Tower Suite 500<br>Nashville, TN 37243-0565      | Ex-Officio Member |

## **APPENDIX B**

### **REPORT ON DEFINITION OF "INJURY" AND "PERSONAL INJURY"**





## **STATE OF TENNESSEE WORKERS' COMPENSATION ADVISORY COUNCIL**

### **REPORT ON DEFINITION OF "INJURY" AND "PERSONAL INJURY"**

#### **INTRODUCTION**

Public Chapter 952, Section 30, codified as *TCA* §50-6-121(k), requires the Advisory Council to review the definition of "injury" and "personal injury" as defined in *TCA* §50-6-102(12) and make recommendations concerning any proposed revisions to the definition. The Advisory Council reviewed the statutory definitions of "injury", "personal injury" and related terms from each of the states. Special attention was paid to the states that are contiguous to Tennessee. In addition, the Council requested the Tennessee Bar Association to provide a definition of a compensable injury in Tennessee under the current statutory definitions and case law.

### **STATUTORY DEFINITION(S)**

In general, most states have a similar starting point when defining a workers' compensation injury that is compensable. The primary starting definition is "an accidental injury that arises out of and in the course of employment." Tennessee is no different. However, that definition had its genesis in the early 1900s when workers' compensation laws were being enacted. The statutory definition left room for interpretation when questions began to be raised: What is an accidental injury? When does an injury arise out of employment? When is an injury sustained in the course of employment? These questions had to be answered through judicial interpretation, whether in a court based workers' compensation system or in an administrative system. Therefore, to review of the statutory definition should be coupled with a review of the cases that interpret the statute. This is the task the Tennessee Bar Association performed for the Advisory Council.

To understand the evolution of the definition of a compensable injury one must begin with the statutory definition. Not only is this where the courts or commissions begin, but such a review also reveals how the definition changes over time by legislative action. However, this is not the only manner by which the definition changes over time. It changes by judicial [commission or court] interpretation of the definition and by judicial interpretation of the "intent" of the law. The statutory definition in all states will have been and will continue to be changed by judicial interpretation.

The following is a discussion of the Tennessee statutory definition and the interpretation of the definition as contained in case law. The statutory definitions in the states that are contiguous to Tennessee are contained in Appendix B1. It was not possible to research the case law in all these states to determine how commission/judicial interpretation may have changed the statutory definition.

### **TENNESSEE - STATUTORY DEFINITION(S)**

The statutory definition of a compensable injury is found in two subsections of *Tennessee Code Annotated* §50-6-102.. They are as follows:

*TCA* §50-6-102. Definitions.--

(12) “Injury” and “personal injury” mean an injury by accident arising out of and in the course of employment which causes either disablement or death of the employee and shall include occupational diseases arising out of and in the course of employment which cause either disablement or death of the employee and shall include a mental injury arising out of and in the course of employment;

(15) “Mental injury” means a loss of mental faculties or a mental and/or behavioral disorder where the proximate cause is a compensable physical injury resulting in a permanent disability, or an identifiable work-related event resulting in a sudden or unusual mental stimulus. A mental injury shall not include a psychological or psychiatric response due to the loss of employment opportunities.

**TENNESSEE - COMPENSABLE INJURY - CASE LAW**

The Tennessee Bar Association provided the following to the Advisory Council as a comprehensive definition of a compensable injury in Tennessee pursuant to current statute and judicial construction:

Generally, an injury recognized by Tennessee Workers' Compensation Law occurs as the result of an accident that arises out of and in the course and scope of employment. T.C.A. § 50-6-102(12) defines "injury" and "personal injury" to mean an injury by accident arising out of and in the course of employment, which causes disablement or death of the employee as well as an employee's occupational diseases which cause disablement or death of the employee. Often, the Courts interpreting workers' compensation law do not differentiate between the terms "injury" and "accident."

Traditionally, an accident could be defined as a specific time and place and event. However, it is well settled in Tennessee law that the term "injury" includes those injuries that occur gradually over time due to the repeated use of a body part resulting in a condition that becomes disabling. Typically, these claims are based on repeated use resulting in cumulative trauma over time, such as that which results in carpal tunnel syndrome, epicondylitis, and rotator cuff tears or strains. It can also include, although much less frequently seen, back injury claims based on repeated lifting or turning, as well as injury due to inhalation of or dermatological exposure to chemicals.

An injury has been defined to include the aggravation of a pre-existing condition in which an anatomical change in the person's underlying, pre-existing condition occurs, which produces disability and does not merely result in an increase in pain. In other words,

an underlying, preexisting condition must be permanently advanced in severity on an anatomic basis by the employment and result in disability, to be the basis of an award of permanent disability. Temporary disability, however, can result from injury which temporarily worsens a pre-existing condition, but which reverts back to the pre-existing state, and thereby still constitute an injury, but simply a transitory one.

Occupational diseases, as covered by the Tennessee Workers' Compensation Law, require that six criteria be met in order to be judged to have arisen out of the employment, pursuant to TCA 50-6-301. It does not require "injury" in the traditional sense of an isolated event. In addition, the law does not cover aggravations of pre-existing occupational diseases. As a result, a condition such as a stroke or heart attack is frequently characterized as an injury by accident, as well as an occupational disease, particularly where there is a pre-existing history or susceptibility. Heart attacks and strokes can be compensable as the result of physical activity, and can also be compensable following a "mental stimulus arising from a specific dramatic event or series of events."

With the amendment of the statute in 2002, the law provides a change in the law for recovery of disability for mental injury. There are two approaches, depending on whether the mental injury was accompanied by a physical injury. If a physical injury occurred which later results in a loss of mental faculties or mental and/or behavioral disorder, then recovery may be awarded for permanent disability from both conditions in a combined award, or for the mental injury only. If, however, there is no physical injury underlying the claim for mental injury, there must be an "identifiable work-related event resulting in sudden or unusual mental stimulus" in order to recover an award. This is

typically the development of post-traumatic stress disorder (PTSD) or other neurosis, but does not include generalized stress claims, nor does it include a mental response to loss of employment or employment opportunities. In general, in order to recover for mental injury only, in the absence of a physical injury, the alleged injury must be the result of a specific incident or series of incidents involving mental or emotional stress of an unusual or abnormal nature.

References for this discussion were principally drawn from Professor Thomas A. Reynolds' book: Tennessee Workers' Compensation -- Practice and Procedure (The Harrison Company 2003).

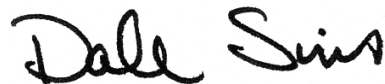
## **CONCLUSION**

A review of the foregoing information and the statutory definitions from other states reveals that each state has determined what type of injury will or will not be a compensable workers' compensation injury. This occurred by a statutory change by the legislature or by judicial (or commission) interpretation and application of the law to the facts of a specific case. Sometimes, a court or commission's interpretation of both current statutory and case law will cause the legislature to change the statute following such a decision. Thus, the definition of a compensable injury in Tennessee as elsewhere, is never static but is ever evolving depending on the circumstances of a specific case, changes in medical treatment or as a result of public opinion.

The Advisory Council submits the information outlined in this report as an educational effort for anyone interested in the topic. At present, the Advisory Council has been presented with no

proposed revisions to the definition and none of its members has made any proposal for change to the definition. Therefore, it would be premature for the Advisory Council to make any type of recommendation. However, if proposed legislation is filed that addresses the topic and the Advisory Council is requested to review and comment on a bill that proposes to alter the current definition of a compensable injury in Tennessee the Advisory Council will review the proposal(s) and make an appropriate recommendation.

Respectfully submitted on behalf of the  
Workers' Compensation Advisory Council,

A handwritten signature in black ink that reads "Dale Sims". The signature is written in a cursive, flowing style.

Dale Sims, State Treasurer  
Chair

APPENDIX B1  
STATUTORY DEFINITIONS - CONTIGUOUS STATES

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**ALABAMA**

§25-5-1

(7) ACCIDENT. The term, as used in the phrases "personal injuries due to accident" or "injuries or death caused by accident" shall be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body or damage to an artificial member of the body by accidental means.

(9) INJURY. "Injury and personal injury" shall mean only injury by accident arising out of and in the course of the employment, and shall not include a disease in any form, except for an occupational disease or where it results naturally and unavoidably from the accident. Injury shall include physical injury caused either by carpal tunnel syndrome disorder or by other cumulative trauma disorder if either disorder arises out of and in the course of the employment, and breakage or damage to eyeglasses, hearing aids, dentures, or other prosthetic devices which function as part of the body, when injury to them is incidental to an on-the-job injury to the body. Injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him or her and not directed against him or her as an employee or because of his or her employment. Injury does not include a mental disorder or mental injury that has neither been produced nor been proximately caused by some physical injury to the body.



## ARKANSAS

### § 11-9-102

(4)(A) "Compensable injury" means:

(I) An accidental injury causing internal or external physical harm to the body or accidental injury to prosthetic appliances, including eyeglasses, contact lenses, or hearing aids, arising out of and in the course of employment and which requires medical services or results in disability or death. An injury is "accidental" only if it is caused by a specific incident and is identifiable by time and place of occurrence;

(ii) An injury causing internal or external physical harm to the body and arising out of and in the course of employment if it is not caused by a specific incident or is not identifiable by time and place of occurrence, if the injury is:

(a) Caused by rapid repetitive motion. Carpal tunnel syndrome is specifically categorized as a compensable injury falling within this definition;

(b) A back injury which is not caused by a specific incident or which is not identifiable by time and place of occurrence; or

© Hearing loss which is not caused by a specific incident or which is not identifiable by time and place of occurrence;

(iii) Mental illness as set out in § 11-9-113;

(iv) Heart or cardiovascular injury, accident, or disease as set out in § 11-9-114;

(v) A hernia as set out in § 11-9-523; or

(vi) An adverse reaction experienced by any employee of the Department of Health or any employee of a hospital licensed by the Department of Health related to vaccination with Vaccinia

vaccines for smallpox, including the Dryvax vaccine, regardless of whether the adverse reaction is the result of voluntary action by the injured employee.

(B) "Compensable injury" does not include:

(I) Injury to any active participant in assaults or combats which, although they may occur in the workplace, are the result of nonemployment-related hostility or animus of one, both, or all of the combatants and which said assault or combat amounts to a deviation from customary duties; further, except for innocent victims, injuries caused by horseplay shall not be considered to be compensable injuries;

(ii) Injury incurred while engaging in or performing or as the result of engaging in or performing any recreational or social activities for the employee's personal pleasure;

(iii) Injury which was inflicted upon the employee at a time when employment services were not being performed or before the employee was hired or after the employment relationship was terminated; or

(iv)(a) Injury where the accident was substantially occasioned by the use of alcohol, illegal drugs, or prescription drugs used in contravention of physician's orders.

(b) The presence of alcohol, illegal drugs, or prescription drugs used in contravention of a physician's orders shall create a rebuttable presumption that the injury or accident was substantially occasioned by the use of alcohol, illegal drugs, or prescription drugs used in contravention of physician's orders.

© Every employee is deemed by his or her performance of services to have impliedly consented to reasonable and responsible testing by properly trained medical or law enforcement personnel for the presence of any of the aforementioned

substances in the employee's body.

(d) An employee shall not be entitled to compensation unless it is proved by a preponderance of the evidence that the alcohol, illegal drugs, or prescription drugs utilized in contravention of the physician's orders did not substantially occasion the injury or accident.

© The definition of "compensable injury" as set forth in this subdivision (4) shall not be deemed to limit or abrogate the right to recover for mental injuries as set forth in § 11-9-113 or occupational diseases as set forth in § 11-9-601 et seq.

(D) A compensable injury must be established by medical evidence supported by objective findings as defined in subdivision (16) of this section.

## **GEORGIA**

### **§34-9-1**

(4) 'Injury' or 'personal injury' means only injury by accident arising out of and in the course of the employment and shall not, except as provided in this chapter, include a disease in any form except where it results naturally and unavoidably from the accident. Except as otherwise provided in this chapter, 'injury' and 'personal injury' shall include the aggravation of a preexisting condition by accident arising out of and in the course of employment, but only for so long as the aggravation of the preexisting condition continues to be the cause of the disability; the preexisting condition shall no longer meet this criteria when the aggravation ceases to be the cause of the disability. 'Injury' and 'personal injury' shall not include injury caused by the willful act of a third person directed against an employee for reasons personal to such employee, nor shall 'injury' and 'personal injury' include heart disease, heart attack, the failure or occlusion of any of the coronary blood vessels, stroke, or thrombosis unless it is shown by a preponderance of competent and credible evidence, which shall include medical evidence, that any of such conditions were attributable to the performance of the usual work of employment. Alcoholism and disabilities attributable thereto shall not be deemed to be 'injury' or 'personal injury' by accident arising out of and in the course of employment. Drug addiction or disabilities resulting therefrom shall not be deemed to be 'injury' or 'personal injury' by accident arising out of and in the course of employment except when such addiction or disability resulted from the use of drugs or medicines prescribed for the treatment of the initial injury by an authorized physician. Notwithstanding any other provision of this chapter, and solely for members of the Georgia National Guard and State Defense Force, an injury arising in the course of employment shall include any injury incurred by a member of the Georgia National Guard or State Defense Force while serving on state active duty or when traveling to and from state active duty.

## **KENTUCKY**

342.0011 Definitions for chapter.

As used in this chapter, unless the context otherwise requires:

(1) "Injury" means any work-related traumatic event or series of traumatic events, including cumulative trauma, arising out of and in the course of employment which is the proximate cause producing a harmful change in the human organism evidenced by objective medical findings. "Injury" does not include the effects of the natural aging process, and does not include any communicable disease unless the risk of contracting the disease is increased by the nature of the employment. "Injury" when used generally, unless the context indicates otherwise, shall include an occupational disease and damage to a prosthetic appliance, but shall not include a psychological, psychiatric, or stress-related change in the human organism, unless it is a direct result of a physical injury.

(2) "Occupational disease" means a disease arising out of and in the course of the employment.

(3) An occupational disease as defined in this chapter shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause. The occupational disease shall be incidental to the character of the business and not independent of the relationship of employer and employee. An occupational disease need not have been foreseen or expected but, after its contraction, it must appear to be

related to a risk connected with the employment and to have flowed from that source as a rational consequence.

(4) "Injurious exposure" shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which the claim is made.

## **MISSISSIPPI**

### **§ 71-3-3. Definitions.**

Unless the context otherwise requires, the definitions which follow govern the construction and meaning of the terms used in this chapter:

(b) "Injury" means accidental injury or accidental death arising out of and in the course of employment without regard to fault which results from an untoward event or events, if contributed to or aggravated or accelerated by the employment in a significant manner. Untoward event includes events causing unexpected results. An untoward event or events shall not be presumed to have arisen out of and in the course of employment, except in the case of an employee found dead in the course of employment. This definition includes injuries to artificial members, and also includes an injury caused by the willful act of a third person directed against an employee because of his employment while so employed and working on the job, and disability or death due to exposure to ionizing radiation from any process in employment involving the use of or direct contact with radium or radioactive substances with the use of or direct exposure to roentgen (X-rays) or ionizing radiation. In radiation cases only, the date of disablement shall be treated as the date of the accident. Occupational diseases, or the aggravation thereof, are excluded from the term "injury," provided that, except as otherwise specified, all provisions of this chapter apply equally to occupational diseases as well as injury.

## **MISSOURI**

287.020.

2. The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen identifiable event or series of events happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. An injury is compensable if it is clearly work related. An injury is clearly work related if work was a substantial factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. The injury must be incidental to and not independent of the relation of employer and employee. Ordinary, gradual deterioration or progressive degeneration of the body caused by aging shall not be compensable, except where the deterioration or degeneration follows as an incident of employment.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the employment is a substantial factor in causing the injury; and

(b) It can be seen to have followed as a natural incident of the work; and

© It can be fairly traced to the employment as a proximate cause; and

(d) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life;



(3) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

**NORTH CAROLINA****§ 97-2. Definitions.**

(6) Injury. - "Injury and personal injury" shall mean only injury by accident arising out of and in the course of the employment, and shall not include a disease in any form, except where it results naturally and unavoidably from the accident. With respect to back injuries, however, where injury to the back arises out of and in the course of the employment and is the direct result of a specific traumatic incident of the work assigned, "injury by accident" shall be construed to include any disabling physical injury to the back arising out of and causally related to such incident. Injury shall include breakage or damage to eyeglasses, hearing aids, dentures, or other prosthetic devices which function as part of the body; provided, however, that eyeglasses and hearing aids will not be replaced, repaired, or otherwise compensated for unless injury to them is incidental to a compensable injury.

**SOUTH CAROLINA**

§42-1-160. "Injury" and "personal injury" defined. [SC ST SEC 42-1-160]

"Injury" and "personal injury" shall mean only injury by accident arising out of and in the course of the employment and shall not include a disease in any form, except when it results naturally and unavoidably from the accident and except such diseases as are compensable under the provisions of Chapter 11 of this title. In construing this section an accident arising out of and in the course of employment shall include employment of an employee of a municipality outside the corporate limits of the municipality when the employment was ordered by a duly authorized employee of the municipality.

Stress arising out of and in the course of employment unaccompanied by physical injury and resulting in mental illness or injury is not a personal injury unless it is established that the stressful employment conditions causing the mental injury were extraordinary and unusual in comparison to the normal conditions of the employment.

Stress arising out of and in the course of employment unaccompanied by physical injury is not considered compensable if it results from any event or series of events which is incidental to normal employer/employee relations including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations, except when these actions are taken in an extraordinary and unusual manner.

## **VIRGINIA**

### **§ 65.2-101. Definitions.**

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. However, such term does not include any injury, disease or condition resulting from an employee's voluntary participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties. Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123, (b) an employee of a health care provider as defined in § 8.01-581.1, © an employee of the Department of Health or a local department of health, (d) a member of a search and rescue organization, or (e) any person described in clauses (I) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

### **§ 65.2-400. "Occupational disease" defined.**

A. As used in this title, unless the context clearly indicates otherwise, the term "occupational disease" means a disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside of the employment.

B. A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances:

1. A direct causal connection between the conditions under which work is performed and the occupational disease;
2. It can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;
3. It can be fairly traced to the employment as the proximate cause;
4. It is neither a disease to which an employee may have had substantial exposure outside of the employment, nor any condition of the neck, back or spinal column;
5. It is incidental to the character of the business and not independent of the relation of employer and employee; and
6. It had its origin in a risk connected with the employment and flowed from that source as a natural consequence, though it need not have been foreseen or expected before its contraction.

C. Hearing loss and the condition of carpal tunnel syndrome are not occupational diseases but are ordinary diseases of life as defined in § 65.2-401.

§ 65.2-401. "Ordinary disease of life" coverage.

An ordinary disease of life to which the general public is exposed outside of the employment may be treated as an occupational disease for purposes of this title if each of the following elements is established by clear and convincing evidence, (not a mere probability):

1. That the disease exists and arose out of and in the course of employment as provided in § 65.2-400 with respect to occupational diseases and did not result from

causes outside of the employment, and

2. That one of the following exists:

a. It follows as an incident of occupational disease as defined in this title; or

b. It is an infectious or contagious disease contracted in the course of one's employment in a hospital or sanitarium or laboratory or nursing home as defined in § 32.1-123, or while otherwise engaged in the direct delivery of health care, or in the course of employment as emergency rescue personnel and those volunteer emergency rescue personnel referred to in § 65.2-101;

or

c. It is characteristic of the employment and was caused by conditions peculiar to such employment.

## **APPENDIX C**

### **REPORT ON ISSUE OF REPLACING EXISTING SYSTEM FOR ADJUDICATING WORKERS' COMPENSATION CLAIMS WITH AN ADMINISTRATIVE COMMISSION OR REVIEW BOARD**



## **STATE OF TENNESSEE WORKERS' COMPENSATION ADVISORY COUNCIL**



### **REPORT ON ISSUE OF REPLACING EXISTING SYSTEM FOR ADJUDICATING WORKERS' COMPENSATION CLAIMS WITH AN ADMINISTRATIVE COMMISSION OR REVIEW BOARD**



### **INTRODUCTION**

Public Chapter 952, Section 30, codified as *TCA* §50-6-121(l), requires the Advisory Council to review the issue of replacing the existing court based system of adjudication with an administrative commission or board. The Advisory Council has reviewed information regarding commission or administrative systems for workers' compensation. This review revealed there is no uniform administrative system that has been adopted by a majority of the states. In fact, each state is unique in the manner by which the administrative board or commission handles workers' compensation.



## **CHARACTERISTICS OF ADMINISTRATIVE SYSTEMS**

In general, most administrative systems include the following functions: claims processing; mediation and/or settlement of claims; adjudication of contested cases; appeals process for claims to Commissioners/Board; administration of claims; mediation/settlement of claims; legal staff and administrative law judges; self-insured employer programs; medical fee schedules; and special funds. It is the manner in which these functions are performed and by whom that make the systems unique to each state.

In an effort to supply the General Assembly information regarding these different structures, the following information concerning seven (7) states contiguous to Tennessee is included in the report for informational purposes. The information was obtained from the website for the Southern Association of Workers' Compensation Administrators [SAWCA] and is the result of a survey conducted by the Administration Committee in 2001.<sup>1</sup> As the survey is over three years old it is possible some of the information may be out of date. However, the general information regarding the type of administrative system and the claims procedures and appeals processes should be correct. It is known that the administrative agency in Kentucky has undergone some organizational changes recently; however, the changes were made by the executive branch in each state and are not related to the administrative systems created by the legislature.<sup>2</sup>

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<sup>1</sup>The information is available on the SAWCA website: [www.sawca.org](http://www.sawca.org)

<sup>2</sup>The states of Alabama and Tennessee have been omitted from this information as these two states have court-based systems of adjudicating workers' compensation claims. In addition, the contiguous state of Missouri is not included as it is not a member of SAWCA.

## ARKANSAS

### AUTHORITY

**Statutory Basis:** Created in 1938 pursuant to 26th Amendment to Arkansas Constitution. Laws regarding the Act (Arkansas Statute Ann. §§81-1301 *et seq.*) were passed in 1939. Laws codified effective 1-1-88 (Ark. Code Ann. §§11-9-101 *et seq.*).

**Funding Basis:** Monies come from carrier fees and premium taxes assessed against insurance companies and self-insurers. At the time of licensing, insurance companies pay a one-time fee of \$500; self-insurers pay a \$100 fee. Premium taxes are set yearly. The funds are invested by the Commission. Penalties are assessed for non-compliance with W.C. law.

### ORGANIZATIONAL MAKE-UP

**Type Administration; Location/Main Office; No. of Employees:** Administered by Arkansas Workers' Compensation Commission. The Commission employs approximately 150 people with a maximum authorized of 156 (thru July 1, 2001). There are 2 branch offices and central offices in Little Rock.

**Operations; Qualifications; Selection Process; Salaries & Tenure:** The Commission is composed of 3 members appointed by the Governor with approval by the Legislature. The chairman must be an attorney and have 5 years experience. The other 2 commissioners must have at least a 5-year affiliation in labor or management. Salaries are provided by law. Terms

are for 6 years and are staggered. The FY 01 maximum salary of the chairman is \$94,298 and the FY 01 maximum salary of each commissioner is \$92,726. Chief of Administration is the Chief Executive Officer.

**Hearings:** Conducted by 13 administrative law judges throughout the state. Rule 20 sets forth the policy regarding reporting and transcription fees. Respondents may bear cost of the expense of taking and transcribing a hearing. The FY 01 maximum salary of each of the 13 administrative law judges is \$77,009.

**Ombudsmen:** The Ombudsmen Program in Arkansas is called the Legal Advisor Program. The Legal Advisor is a classified position with a starting salary of \$32,992 and a range, based on longevity, to \$64,777. The authority for the program is found in A.C.A. §§11-9-703. Their responsibilities include "providing the claimant with an opportunity to confer with a legal advisor on the staff of the Commission to be advised of his/her rights ... and to ensure that the rights are protected." The Legal Advisor has the authority to "approve compromise settlements entered into at or as a result of the preliminary conference, as well as joint petition settlements as provided under A.C.A. §§11-9-805."

## **PROCEDURES**

**Initiation of Claim by Employee:** Notice must be given to the employer in writing on Commission approved form unless excused. A claim must be filed generally within 2 years from the date of disability or 1 year from the last benefit payment. Claims for occupational

illness must be generally filed within 2 years of last exposure or one year from date of most recent benefit payment. A.C.A. §§11-9-702. An employer is not liable for the expenses of the employee until after proper notice of the injury.

**Initiation of Claim by Employer:** Compensation must commence or employer must notify Commission of controversion within 15 days of receipt of notice of injury.

**Other:** There are no other parties with standing before the Commission except if a dispute arises over a fee charged by a medical provider which is covered by Commission Rule 30 and the Medical Fee Schedule. In such cases, the provider can write the Commission for adjudication of the fee dispute, first administratively by the Administrator of the Medical Cost Containment Program, and then through the normal hearing process.

**Prehearing Process:** Commission Rule 15 provides for a pretrial conference before the Commission or administrative law judge. Mediation is available for injuries occurring on or after January 1, 1987.

**Alternative Dispute Resolution:** The alternative dispute resolution process in Arkansas is administered by the Legal Advisor Program. In the event a claim is controverted, a claimant has two options prior to requesting a hearing before an Administrative Law Judge: He/she may request a preliminary conference or mediation. These procedures are informal. The preliminary conference, by telephone conference call or in person, affords the parties the opportunity to confer with a Legal Advisor who can explain the law as well as the rights and responsibilities of the respective sides. A mediation enables the parties, with the help of the mediator who is

an objective 3<sup>rd</sup>-party, to create an agreement satisfactory to both. The preliminary conferences are voluntary, as are mediations not mandated by AWCC Rule 26. The orders of the Legal Advisors are binding only if the parties agree and their agreement is reflected in the order.

**Hearings:** Discovery is in accordance with the Arkansas Rules of Civil Procedure. Continuances are discretionary with the administrative law judge or Full Commission.

**Appeals:** Awards or orders of administrative law judges may be appealed to the Full Commission within 30 days from receipt of the order. Commission Rules 17 and 18 cover oral argument and the format of briefs. An order or award of the Full Commission may be appealed to the Court of Appeals within 30 days of receipt of the order or award. On appeal, Full Commission conducts *de novo* review and may take additional testimony.

**Representation by Counsel:** Not required, fees approved by the Commission after considering the length, complexity and nature of the services performed and benefits achieved for the claimant. Fees are determined by the following guidelines: Maximum of 30% of first \$1,000; 20% of \$1,001-\$3,000; 10% of sums over \$3,000. For prevailing on appeal, claimant's attorneys receive \$250 at the Full Commission level and \$500 at the Court of Appeals or Supreme Court level. In controverted cases, the employer pays one-half of the fee and the employee pays one-half out of compensation awarded.

## **GEORGIA**

### **AUTHORITY**

**Statutory Basis:** 1920 legislation created the Industrial Commission, abolished in 1937 and replaced with the State Board of Workers' Compensation. The Board is an independent state agency whose authority is found in Georgia Code Title 34, Chapter 9.

**Funding Basis:** Assessments against insurance companies and self-insurers paid into State Treasury; funding through state appropriation to agency.

### **ORGANIZATIONAL MAKE-UP**

**Type Administration; Location/Main Office; No. of Employees:** A quasi-judicial system with initial hearings conducted by administrative law judges of the trial division, with appeal to the three Board members (Appellate Division), further appeal to superior court, and then application for discretionary appeal to court of appeals and supreme court.

There are 10 branch offices located throughout the state and one main office with a total of 164 positions. The main office is located in Atlanta.

**No./Commissioners; Qualifications; Selection Process; Salaries & Tenure:** The chairman and two directors are appointed by the Governor for 4-year terms. Must be lawyers with at least seven years of practice experience. O.C.G.A §§34-9-42.

Salaries are as provided by law at 90% of salary of judges of court of appeals. O.C.G.A §§34-9-52.

**Hearings:** Presently, there are 24 administrative law judges who are attorneys with salaries depending on length of service and promotions. Beginning salary of \$70,000.

Hearing held in the county of injury or death or any contiguous county, or in any county within 50 miles of the county of injury or death, unless otherwise agreed by the parties and authorized by the Board. O.C.G.A. §§34-9-102(b).

A record of the case is made at the administrative law judge hearing by a court reporter. Transcript prepared after the hearing before the administrative law judge or, if directed by the administrative law judge not to be transcribed, then on appeal to the Appellate Division. O.C.G.A. §§34-9-102(g).

Cost of transcription is paid by the parties to the case. The Board pays only if no other party requests a copy. The court reporters are hired on a contract basis and compensated through sales of transcripts. O.C.G.A. §§34-9-102(g).

## **PROCEDURES**

**Initiation of Claim by Employee:** Notice must be given immediately or as soon thereafter as practical, but within 30 days. O.C.G.A. §§34-9-80. Filing of a claim must be within one year after injury, except where payment of weekly benefits has been made or remedial treatment has

been furnished, and then filing can occur within one year of the last treatment furnished or two years after the date of the last payment of weekly benefits. O.C.G.A. §§34-9-82.

**Initiation of Claim by Employer:** Benefits must be commenced 21 days after knowledge of injury or death or controverted within 21 days. O.C.G.A. §§34-9-221(b) & (d).

**Other:** N/A

**Prehearing Process:** Prior to hearing, some claims and issues may be disposed of by a judge by order on a motion filed by any party. O.C.G.A. §§34-9-102©. Parties use motion forms approved by the Board and submit written evidence.

The Alternative Dispute Resolution Division was created to handle disputes through the mediation process. O.C.G.A. §§34-9-100. All hearing requests and motions are screened and certain types of disputes are automatically referred to mediation. All motion forms and hearing request forms have a space for a party to request and attempt to resolve the issue through mediation. The mediation conference is generally scheduled 30-45 days after first filing which signals a dispute. There is no rule on discovery for mediation, but the policy is that formal discovery is not necessary prior to a mediation conference.

Mediators are staff attorneys who have also been certified as mediators through training and accepted by the Georgia Office of Dispute Resolution, which qualifies neutrals who serve in mediation programs approved by the Supreme Court of Georgia. The beginning salary for a mediator is \$40,000, but can vary depending on experience. Currently the Board has 6 full-time mediators and all administrative law judges and other staff attorneys are certified mediators.



The authority of mediators is governed by ethical standards of neutrals.

If a claim is assigned to mediation, attendance is mandatory. Board Rule 100. If an agreement is reached at mediation, it is reduced to writing and signed by the parties and may be enforced as an order. If an agreement is not reached, the case proceeds to trial or ruling, and the content of any communications during mediation remains confidential and inadmissible in court. Board Rule 100.

**Hearings:** Workers' compensation laws and discovery proceedings are governed by the Civil Practice Act and the Georgia Rules of Evidence. O.C.G.A. §§34-9-102(d).

Continuances are granted once by agreement of all parties and subsequently only on strict legal grounds. Board Rule 102©. Hearings are scheduled within 90 days of request. O.C.G.A. §§34-9-102(a). The administrative law judge must render an award within 60 days after completion of the evidence. O.C.G.A. §§34-9-102(f). The judges may issue interlocutory orders pending trial determination. O.C.G.A. §§34-9-102©.

**Appeals:** Appeals from the Trial Division of the Board to the Appellate Division must be filed within 20 days of notice of the award. O.C.G.A. §§34-9-103(a). Any appealing party must enumerate errors. Board Rule 103(b). The Appellate Division does not receive evidence and reviews errors of law and also determines if the findings of fact are supported by a preponderance of competent evidence. O.C.G.A. §§34-9-103(a). No longer have de novo review and remand is only upon strictly legal grounds.

Appeals to the superior court are limited to errors of law, fraud, or review of facts under any

evidence rule. O.C.G.A. §§34-9-105. Further discretionary appeal may be made by application to Georgia Court of Appeals or Georgia Supreme Court for same reasons. O.C.G.A. §§34-9-105.

**Representation by Counsel:** When a hearing is held to resolve a dispute, most parties are represented by counsel, although some appear pro se. Board approval is required for all attorney fees over \$100. O.C.G.A. §§34-9-108(a). An attorney fee contract is required to be filed with the Board after retention. Fees are limited to 400 weeks and up to 25% of indemnity benefits by statute, which are paid from claimant's income benefits. O.C.G.A. §§34-9-108(a). Attorney fees may also be assessed by the Board on a quantum meruit basis, if the administrative law judge finds that the claim has been prosecuted or defended, in whole or in part, without reasonable grounds or the Appellate Division finds that an appeal has been brought without reasonable grounds. O.C.G.A. §§34-9-108(b).

## KENTUCKY

### AUTHORITY

**Statutory Basis:** The Department of Workers' Claims is governed by KRS. Chapter 342.<sup>3</sup>

**Funding Basis:** Assessments against insurance carriers and self-insurers are collected, invested and managed by the Kentucky Workers' Compensation Funding Commission.

### ORGANIZATIONAL MAKE-UP

**Type Administration; Location/Main Office; No. of Employees:** The Commissioner exercises complete authority over administration of Department of Workers' Claims. The Workers' Compensation Board rules on appeals of decisions rendered by administrative law judges under the Workers' Compensation Act.

The Department of Workers' Claims has 212 employees. There are 10 administrative law judge offices and 5 specialist/ombudsmen offices located throughout the state. Main office is in Frankfort.

**Chief of Operations; Qualifications; Selection Process; Salaries & Tenure:** The Commissioner is appointed by the Governor. The 3 Board members are appointed by the Governor to staggered 4-year terms. They are required to have the qualifications of state

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<sup>3</sup> The Advisory Council believes the agency is now known as the Kentucky Office of Workers' Claims, under the Labor Cabinet.

appellate court judges. The position is full-time at a salary of \$109,704. Board members may not continue the private practice of law.

**Hearings:** KRS 342.230 establishes 19 administrative law judge (ALJ) positions who will handle claims filed. Each administrative law judge must be an attorney and have 5 years of experience in the practice of workers' compensation law. The position is full-time at a salary of \$105,036.

Hearings are held at 13 sites throughout the state. All formal evidentiary hearings before the ALJs are transcribed. No transcript is made of benefit review or pre-hearing conferences. The transcript of hearing is prepared at the conclusion of the formal evidentiary hearing. Department of Workers' Claims bears the cost of initial transcription of evidentiary hearing. Parties pay costs for obtaining a copy.

Court reporters who transcribe formal hearings are retained by the Department of Workers' Claims. The party taking a pre-hearing deposition employs a court reporter to transcribe it. Other parties wishing to purchase the copies of the deposition transcript must make arrangements with the court reporter.

**Ombudsmen and Workers Compensation Specialists--Qualifications, number, responsibilities, authority:** Regional offices staffed with Ombudsman personnel are located in Paducah and Frankfort. There are 8 ombudsman positions. Bachelor's degree plus two years of work experience as an Ombudsman for either the public sector or private industry.

Regional offices staffed with Workers' Compensation Specialists are located throughout the

state in Frankfort, Madisonville, Paducah, Pikeville, and Louisville. Bachelor's degree plus 4 years' workers' compensation experience required. The Specialist staff is supervised by an attorney manager, operating under the title of Chief Workers' Compensation Specialist. There are 11 specialists and 2 attorneys on the specialist staff in addition to the Chief Specialist. The Specialist and Ombudsman staff assist citizens in workers compensation matters by answering questions and attempting to resolve conflicts.

**Initiation of Claim by Employee:** Employee is required to give notice to his employer as soon as practicable. If the employer contests the claim, the employee files a formal application for adjustment of claim, to be decided by an administrative law judge. The employer shall file a notice of claim denial or acceptance (Form 111) within 45 days after the date of issuance of notice that an application has been filed. If none is filed, all allegations of the application shall be deemed admitted. This requirement of filing a notice of admission or denial is in addition to the requirement to file a special answer asserting special defenses. There is a two-year statute of limitations on filing.

**Initiation of Claim by Employer:** Employer required to file a First Report of Injury (Form IA-1) within seven days after an employee gives notice of an injury which results in at least one loss day from work. Termination of payment of voluntary benefits by employer must be reported to Department of Workers' Claims.

Employer must also report an election not to pay.

**Other:** Any party to the claim, including a physician or medical payment obligor insurance

carrier or self-insured employer, may file a request to resolve a medical fee dispute with the Department of Workers' Claims for resolution by an Administrative Law Judge.

**Pre-Hearing/Hearing Process:** All applications for adjustment of claim are referred to an administrative law judge (ALJ) for resolution. The parties have ninety (90) days after a claim is assigned to an ALJ to file medical reports and depositions in support of their positions. All parties can submit proof during the first 45 days, followed by 30 for the defendant and 15 for the rebuttal. Cross-examination of witnesses is at the expense of the party seeking the cross-examination. The administrative law judge to whom the claim is assigned will conduct a benefit review conference at the conclusion of proof. The benefit review conference shall be an informal proceeding and no transcript or recording of the conference shall be made. Parties shall discuss settlement and define the issues involved. If the matter is not resolved at the benefit review conference, then a hearing will be held. Then, if the claim is not voluntarily resolved, the ALJ shall render a decision within sixty (60) days of the hearing.

**University of Kentucky and University of Louisville Evaluations:** The Commissioner shall contract with the University of Kentucky and the University of Louisville Medical Schools to evaluate workers who have had injuries, hearing loss or become affected by occupational diseases covered by Chapter 342. Referral for evaluation may be made to one (1) of the medical schools whenever a medical question is at issue. All applications for adjustment of a claim for an occupational disease or hearing loss will automatically be referred to one (1) of the medical schools. An administrative law judge will have discretion as to whether or not to refer an employee for an evaluation who has filed an application for adjustment of claim for an injury.

**Medical Fee Dispute:** If any medical expenses are in dispute, a simplified procedure call a Request to Resolve Medical Fee Dispute (Form 112) may be used. If an expedited determination is necessary concerning proposed medical care, Form 120EX may be filed, supported by affidavits of the employee and employee's physician.

**Appeals:** Within thirty (30) days after the date of the filing of a final ALJ decision, any party aggrieved by the determination may appeal to the Workers Compensation Board. The Board's decision may be appealed pursuant to statute and Kentucky Civil Rules to the Court of Appeals and Kentucky Supreme Court. The Workers' Compensation Board may not receive any new or additional evidence unless fraud or misconduct affecting the ruling is alleged. The Board may not substitute its judgment for that of the administrative law judge as to the weight of evidence on questions of fact.

Parties have thirty (30) days from the date upon which the Board enters its final decision in which to appeal to the Court of Appeals. Further review may be obtained in a similar manner from the Kentucky Supreme Court. The scope of review by the state appellate courts includes all matters subject to review by the Board and also errors of law arising before the Board and made reviewable by Rules of the Kentucky Supreme Court for review of decisions of an administrative agency.

**Attorney Fees:** Attorney fees, both defense and plaintiff, must be approved by an administrative law judge. Attorney fees are subject to certain percentage limitations, maximums, as well as review of reasonableness in light of quality and difficulty of services

rendered. Attorney fees for plaintiff counsel cannot exceed 20% of the first \$25,000 of an award, 15% of next \$10,000, and 5% of remainder of the award, but in no event to exceed \$12,000. Fees for representing employers shall not be dependent upon the result achieved.

## MISSISSIPPI

### AUTHORITY

**Statutory Basis:** The Commission was created by act of the Mississippi Legislature in 1948. The authorizing statutes are MCA Section 71-3-1, *et seq.*

**Funding Basis:** The Commission is funded by assessments on insurance carriers and self-insurers. The assessments are based on a prorated dollar amount of medical and indemnity claims paid by each in the previous year.

### ORGANIZATIONAL MAKE-UP

**Type Administration; Location/Main Office; No. of Employees:** Commission. There are 75 employees. Main Office is in Jackson; there are no field offices.

**No./Commissioners; Qualifications; Selection Process; Salaries & Tenure:** There are three Commissioners, each appointed by the governor (for 6-year terms) with the consent of the Mississippi Senate. One commissioner represents employers, one represents employees, and



one is neutral. One of the commissioners is required to be an attorney with five years' experience in workers' compensation law. The governor designates one commissioner as chairman. Legislatively set salary is currently, Chairman, \$80,000; other two Commissioner, \$78,000 per annum.

**Hearings:** Hearings are conducted by one of eight administrative judges.

1. Judge must be a lawyer with at least three years' experience. They are appointed by the Commission with consent of the governor for indefinite terms. Current annual salary is \$75,000.
2. Hearings held throughout the state in the county where injury occurred.
3. All dispositive hearings are recorded by official court reporters.
4. The transcript is normally prepared upon notice that the decision of the administrative judge has been appealed to the full Commission.
5. The Commission currently bears the cost of transcription.
6. Eight court reporters are employed by the Commission and are paid an annual salary of \$38,000.

## **PROCEDURES**

**Initiation of Claim by Employee:** Claims can be initiated by employees filing a "Petition to Controvert" (MWCC B-5, 11).

**Initiation of Claim by Employer:** Claims are reported by filing a "First Report of Injury"

(MWCC form B-3) by the employer. Employer or its carrier required to report the injury or death within 10 days thereof.

**Prehearing Process—Expediting of partial or complete resolution of controversies**

1. Method of prehearing process: Once the B-5, 11 Form is filed the claim is then controverted, and it is routed to the prehearing supervisor for assignment to an administrative judge and for notification to the employer and carrier. Administrative judges manage pre-hearing discovery and motion practice. Motion days are reserved for the speedy resolution of non-dispositive matters such as discovery disputes.

2. Mediation, Arbitration or Alternate Dispute Resolution:

a. Procedure—The Commission has no formal ADR procedures at present.

b. Informal mediation is performed by three commission employees with workers' compensation work experience.

**Hearing**

1. Discovery is permitted. The Commission has adopted the Mississippi Rules of Civil Procedures as they pertain to discovery. All discovery should be completed within 120 days of the filing of the Petition to Controvert. Notice of medical depositions must be at least filed with a request to set a hearing on the merits. The hearing on the merits is set after the date of the last deposition notice. Cost, except for limited reimbursement for taking depositions on behalf of the claimant, are borne by each party.

2. Continuance are discourage, but may be granted if need is demonstrated.

3. Time limits on decisions. There are not statutory time limits on decisions. Records may be held open following a hearing for a limited time at the discretion of the administrative judge for the submission of medical and other documentary evidence. This procedure is discouraged.

**Appellate Procedure**

1. Appeals must be filed with the Commission within twenty (20) days of the date of the administrative judge's order. Appeals may be on the record, or the parties may request that the matter be set for oral argument before the Commission.

2. The Commission is the finder of facts. Additional evidence may, in the Commission's discretion, be introduced at the review hearing.

3. Appeals from a commission order to Circuit Court must be perfected within thirty (30) days of the date of the Commission order. Appeals to the Circuit Court are solely on the record and

not de novo.

4. No evidence other than that in the record before the Commission is allowed on appeal.

Appeal from the Circuit Court to the Supreme Court is allowed on errors of law or fact.

### **Representation by Counsel**

1. Employees are only represented in a small percentage of non-controverted cases. In controverted cases, attorney representation of employees approaches one hundred percent.

2. Employer and carrier representation in non-controverted cases is not tracked. In controverted cases, attorney representation of the employer and carrier approaches one hundred percent.

3. Fees may be paid by the employee to an attorney upon approval of the Commission. Fees may not exceed 25% of the total award of compensation for representation before the Commission. Attorney fees are usually calculated upon lump-sum settlement payment or permanent disability payments only. Commission approval is not required for a "consultation fee" of \$200 or less. If representation continues by way of appeal to Circuit Court and/or Supreme Court, attorney fee may be increased to 33 1/3% of total compensation.

## NORTH CAROLINA

### AUTHORITY

**Statutory Basis:** Created by legislature in 1929 as the Industrial Commission, Chapter 97, N.C. General Statutes.

**Funding Basis:** Appropriation by the legislature.

### ORGANIZATIONAL MAKE-UP

**Type Administration; Location/Main Office; No. of Employees:** Administered by the North Carolina Industrial Commission. The main office is in Raleigh; there are no satellite offices. There are 136 employees.

**Chief of Operations; Qualifications; Selection Process; Salary:** Seven Commissioners, one of whom is designated as Chairman, are appointed by the Governor to serve staggered six-year terms. The Chairman is the chief judicial officer and chief executive officer. No more than three Commissioners may be classified representatives of employers and no more than three, that of employees. The salary of a Commissioner is \$92,931 and that of the Chairman is \$94,431.

**Hearings:** The trials are conducted by one of 20 trial judges. All are required to be licensed North Carolina attorneys. The salary ranges are from \$55,867 to \$89,675.

Trials are held throughout the State. Trials are electronically recorded at the initial stage.

Transcripts are prepared only when a case is appealed to the Full Commission.

The Commission bears the costs of the original transcript copy for the Commission and for the employee, regardless of the outcome on appeal. The employer/carrier always bears the costs of its copy.

The Commission has contracted with court reporting services to record trials and transcribe appealed cases.

**Ombudsmen—Qualifications, salary, number, responsibilities, authority, limitations:**

Currently, four ombudsmen, whose salaries begin at \$31,248, are responsible for providing information to any party requesting assistance concerning the rights and remedies existing under the Workers' Compensation Act and are required to maintain neutrality. Ombudsmen also explain the need for the services of a lawyer and assist in the resolution of misunderstandings between claimants and payers. Ombudsmen are not allowed to practice law, give legal advice, or evaluate claims of settlement.

**PROCEDURES**

**Initiation of Claim by Employee:** Employee must report injury in writing to employer within 30 days.

**Initiation of Claim by Employer:** Must report injury to the Commission within five days of knowledge.

**Other:** According to case law, medical providers have standing to request a trial on payment of their bills.

**Hearings:** Interrogatories may be filed without approval of the Commission; however, Commission approval is required for other methods of discovery, all of which should be completed before the trial. Either party must provide opposing party upon request copies of all medical reports.

Continuances are granted upon showing of good cause.

A proposed decision from the prevailing party may be requested.

Statute requires decision within 180 days after record closed.

Case management ability, legal knowledge and appropriate application, special project contributions, and attitudes.

**Mediation, Arbitration or Alternate Dispute Resolution:** As of October 1996, all cases with requests for hearing are ordered into non-binding mediation. Cases with requests filed previously may also be ordered into mediation or the parties may voluntarily agree. Mediation is performed by attorneys qualifying as mediators through the administrative office of the courts or by a non-attorney by agreement of the parties. A certified mediator is paid \$100 for preparation time, then \$100 per hour for conducting mediation. A non-certified mediator is not subject to these amounts. Currently, approximately 92% of the claims brought annually under

the Act are settled during mediation or after mediation but prior to hearing.

**Appeals:** Appeals from the trial judge must be taken within 15 days of receipt of the decision and are made to the Full Commission consisting of a panel of three Commissioners.

The Full Commission may make findings of fact and conclusions of law but usually does not hear additional testimony.

In order to appeal from the Full Commission, the record must be filed with the Court of Appeals within 150 days of entry of notice of appeal which must be filed within 30 days of the Full Commission's decision.

The appellate courts are limited to reviewing errors of law.

**Representation by Counsel:** Commission approval required for plaintiff's attorney fee only.

Usually charges range from 20% to 25%.

Plaintiff's attorney's fees are paid from the plaintiff's recovery while defendant's attorney's fees are paid by the carrier or employer.



## **SOUTH CAROLINA**

### **AUTHORITY**

**Statutory Basis:** Created by legislature as the South Carolina Industrial Commission in 1935, the agency's name was changed to the South Carolina Workers' Compensation Commission in 1986. The Commission is an independent state agency authorized by Title 42, Chapter 3.

**Funding Basis:** The Commission is funded through annual appropriations from the state's General Fund. 2½% of premiums and of cost of self-insurance is paid by carriers and self-insurers to the General Fund.

### **ORGANIZATION MAKE-UP**

**Type Administration; Location/Main Office; No. of Employees:** The South Carolina Workers' Compensation Commission is a quasi-judicial state agency that has regulatory, administrative, and judicial responsibilities in the area of workers' compensation. There are 80 employees.

The Commission has one office in Columbia. There are no regional offices.

**Chief of Operations; Qualifications; Selection Process; Salaries and Tenure:** There are no stated qualifications for workers' compensation commissioners. Commissioners are not required to be attorneys.

Seven commissioners are appointed for six-year terms by the Governor with Senate approval.

One commissioner is appointed chairman for a two-year term.

The Commission's executive director is the chief operations officer. The executive director is hired by the commissioners and serves at their pleasure. There are no legal qualifications for the position of executive director. By statute, commissioners and the executive director receives a salary which is 85% of the salary of a circuit court judge. For Fiscal Year 2001, the annual salary is \$94,613.

**Ombudsmen—Qualifications, salary, number, responsibilities, authority, limitations:**

Ombudsmen provide general and specific information about the workers' compensation system to the general public; research and respond to inquiries on claims; provide quality control assessment reports to the Executive Director, detailing any systematic problems or deficiencies as evidenced by the commonality of complaints; research and prepare draft responses for claim inquiries from state and federal legislators; and monitor the number, nature, and geographic location of all inquiries. Two positions were available, but have been eliminated over the years due to budget constraints.

**PROCEDURES**

**Initiation of Claim by Employee:** Employee must give immediate notice of the accident to the employer or give notice as soon after the accident as practicable. No compensation shall be payable unless notice is given within 90 days.

**Initiation of Claim by Employer:** Within 10 days of knowledge of the accident, the employer

must file a First Report of Injury with the carrier or, in cases of self-insurers, with the Commission. Compensation is payable on the 14th day of disability.

**Prehearing Process:** When only the disability rating is at issue, an informal conference is held and the deputy commissioner recommends an award; the parties may then agree to settle or have the matter heard as a contested case. A commissioner has the discretion to hold prehearing conferences.

There is no formal procedure or requirement for Alternative Dispute Resolution, other than the informal conference procedure.

**Hearings:** A written expert's report to be admitted as evidence at the hearing must be provided to the opposing party at least 10 days before the scheduled hearing. The report shall be filed with the commissioner at the scheduled hearing. Failure to provide the opposing party at least 10 days notice of the report may result in the report being ruled inadmissible. All available evidence and testimony shall be presented at the scheduled hearing or a party must move for adjournment. The commissioner may adjourn the hearing, and testimony of a necessary witness unable to appear at the scheduled hearing may be presented by deposition or at a hearing reconvened at a later date. The commissioner may order the party moving for adjournment to take the *de bene esse* deposition of the expert. The commissioner may order the party moving for adjournment to pay to the Commission hearing costs of \$250 if it is necessary to reconvene. Postponement of a scheduled hearing may be granted only for good and sufficient cause established by the moving party and allowed by the commissioner before or at the time of the scheduled hearing. A hearing will be postponed only until the following month. If the

commissioner cannot hear the case the following month, the hearing will not be reset until requested by either party. The commissioner identified on the hearing notice may adjourn a scheduled hearing to allow a party to produce additional evidence when the evidence is in existence, identified, and necessary for the decision but unavailable at the hearing.

\*To be admitted as evidence at a hearing, a written expert's report must be provided to the opposing party at least 15 days before the scheduled hearing. The actual report shall be filed with the commissioner at the scheduled hearing. Failure to provide the opposing party notice as required may result in the report being ruled inadmissible. All available evidence and testimony shall be presented at the scheduled hearing or a party must move for adjournment. The commissioner may adjourn the hearing, and the testimony of a necessary witness unable to appear at the scheduled hearing may be presented by deposition or at a hearing reconvened at a later date. The commissioner may order the party moving for adjournment to take the *de bene esse* deposition of the expert. The commissioner may order the party moving for adjournment to pay hearing costs if it is necessary to reconvene. Each set of APA submissions shall have an index sheet listing its number, name of the provider, dates of service, and number of pages, with the records from each medical provider identified in groups. The report shall be in either chronological or reverse chronological order and be in consecutive order beginning with the first page of APA #1 and continuing through the final page of the last APA submitted. By complying with this regulation, the parties do not waive any evidentiary objections to the introduction of a particular exhibit. Objections include relevancy, materiality, qualification of the expert, timeliness, privilege, hearsay, or authenticity.

\*This information, as printed here, is now before the General Assembly for approval. The regulation being revised is 67-612.

There are no particular procedures utilized to expedite decisions in contested hearings. There is no time limit within which decisions must be filed. Because of the large volume of hearings, commissioners often request a draft order from the prevailing party. During Fiscal Year 1997, the Commission began to capture data to measure the timeliness of the hearing process.

**Appeals:** The South Carolina Workers' Compensation Commission commissioners also sit on appellate panels. A panel may consist of either six or three commissioners, absent the original hearing commissioner. Currently, two three-member panels are hearing appeals. The appellate body may review both the finding of facts and the rulings of law. Oral arguments are permitted, but additional testimony is not taken. Appeals to the Commission's appellate panel must be submitted within 14 days after the single commissioner's order is filed, and appeals from the Commission's appellate panel must be filed with the Court of Common Pleas in the county in which the accident occurred within 30 days of the Commission's decision. The circuit court is limited to viewing the record for errors of law.

**Representation by Counsel:** The agency does not have any figures on the percentage of cases at each level in which either the employee or the employer/carrier is represented by counsel. By law, however, the employer/carrier must be represented by legal counsel at either a formal hearing or an appellate review. Neither the employee nor the employer/carrier is usually represented at informal conferences. Probably, about sixty percent of the employees are

represented at the single commissioner hearing level. About the same number of employees are also represented at the appellate level.

According to statutory law and Commission Regulation, an attorney shall report and obtain approval of any fee for services rendered in a workers' compensation claim. The parties may agree to a fee based on an hourly rate and/or a retainer, or parties agree to a contingent fee contract. If the parties fix the fee by contract and base the fee on an hourly rate and/or a retainer fee, the fee is deemed reasonable unless it conflicts with the South Carolina Supreme Court Disciplinary Rule on determining reasonable fees. If the parties agree to a contingent fee contract, an attorney may charge up to thirty-three and one-third percent of the total amount of compensation. There are certain circumstances specified in the law which limit the amount of legal compensation. For example, if the claim involves a fatality and the employer's representative does not contest liability, compensability, or beneficiaries, the attorney may charge a fee up to \$2,500. Attorney fees are paid by the person or company that incurs them.

## **VIRGINIA**

### **AUTHORITY**

**Statutory Basis:** The Virginia Workers' Compensation Commission established in the Workers' Compensation Act in 1919.

**Funding Basis:** Funding is derived from a tax assessed against the carriers and self-insurers.

## **ORGANIZATIONAL MAKE-UP**

**Type Administration; Location/Main Office; No. of Employees:** Commission. There are 180 employees and six regional offices including the Criminal Injuries Compensation Fund. Main Office in Richmond.

**No./Commissioners; Qualifications: Selection Process; Salaries & Tenure:** The Virginia Workers' Compensation Commission consists of three members elected by both houses of the General Assembly for staggered 6-year terms. One Commissioner is elected every two years. The Commission appoints hearing officers, called Deputy Commissioners, who are required to have five years' experience in the active practice of law and be a member of the state bar in good standing. Salaries range from \$68,500 to \$101,691. Commissioners' salaries are set by the General Assembly.

**Hearings.** Deputy Commissioners conduct hearings throughout the state. Trial hearings are recorded and a transcription is made only for review. The parties bear the cost of transcription, which is \$.50 per page.

**Ombudsmen—Qualifications, salary, number, responsibilities, authority, limitations:** The Commission employs two ombudsmen for the Commission and one ombudsman for the Criminal Injuries Compensation Fund.

**Fraud and Other Substantive Rights Violations:** The agency has no investigatory or enforcement authority. The Virginia State Police investigate claims of insurance fraud.

## **PROCEDURES**

**Initiation of Claim by Employee:** Written notice is required within 30 days, unless the employer had knowledge. Failure to provide notice may bar compensation. Employee must file written claim within two years with Commission, even if employer has accepted claim and made payments. Otherwise claim is time-barred unless employer voluntarily filed agreement forms.

**Initiation of Claim by Employer:** An Employer's Accident Report is required within 10 days of the occurrence. The Commission then sends instructions to the claimant. Guidelines are contained in a pamphlet mailed to all who report injury.

**Other:** Dispute Resolution—Commission has a dispute resolution department consisting of one Deputy Commissioner and four support staff. Department renders decisions in cases determined appropriate for on-the-record hearings. Limited discovery. Procedures are mandatory and decisions are binding, with right of appeal to Full Commission.

**Prehearing Process:** Nine claims examiners attempt to resolve all claims.

**Hearings:** Discovery, to include depositions, is permitted before the hearing. Continuances are granted only when necessary to prevent material and irreparable harm. A written opinion by the Deputy Commissioner who heard the case is expected within three weeks following the hearing. Supervised closely by Chief Deputy Commissioner.

**Appeals:** Application for Review must be received by the Virginia Workers' Compensation



Commission within 20 days of party's receipt of hearing opinion. The Virginia Workers' Compensation Commission's final order may be appealed within 30 days to the Virginia Court of Appeals.

**Representation by Counsel:** In excess of 75% of employees are represented by counsel during judicial proceedings, and 100% of employers and/or carriers are represented by counsel. Attorneys' fees are subject to Commission approval, generally from 10% to 20% depending on amount of work involved and complexity of the case, and are paid by the parties.

## **CONCLUSION**

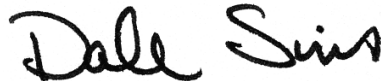
The Advisory Council has concluded that if the General Assembly decides to enact an administrative system for workers' compensation to replace the present court-based system of adjudication, many questions and issues will have to be addressed. The Advisory Council respectfully submits the following list includes some of those issues:

- Will the administrative system function as an independent agency or be attached to the current department?
- How will the commission/board be funded? Will the money come directly to the Commission from specific assessments against insurance companies and self-insurers or will the funding be from the General Fund?.
- How will the commissioners/board members be selected and how many will be required? Who will appoint the members and for what terms? What will be the function of the commissioners/board members - will they be responsible for the administration of the Commission and/or serve only as an appellate level of hearing officers?
- Will the Commission have regulatory authority over workers' compensation insurers and self-insurers?
- What will be the appellate process within the administrative agency and how will appeals be handled after hearing by the full Commission - appeal directly to the Supreme Court or to the circuit/chancery courts? Will the appeal to the Supreme Court be a direct appeal or

discretionary?

- Will the attorneys who are administrative hearing officers or administrative law judges be under the sole control of the Commission without involvement of the Secretary of State or the Attorney General?
- Will the Commission handle the entire claims process?
- Will the Tennessee Rules of Evidence apply in hearings before the Administrative Law Judges or Hearing Officers?

Respectfully submitted on behalf of the  
Workers' Compensation Advisory Council,

A handwritten signature in black ink that reads "Dale Sims". The signature is written in a cursive, flowing style.

Dale Sims, State Treasurer  
Chair

## **APPENDIX D**

### **REPORT ON SELECTION AND CHANGE OF THE TREATING PHYSICIAN IN WORKERS' COMPENSATION CASES**



## **STATE OF TENNESSEE WORKERS' COMPENSATION ADVISORY COUNCIL**



### **REPORT ON SELECTION AND CHANGE OF THE TREATING PHYSICIAN IN WORKERS' COMPENSATION CASES**



### **INTRODUCTION**

Public Chapter 952, Section 30, codified as *TCA* §50-6-121(j), requires the Advisory Council to: "...review the provisions of Section 50-6-204(a)(4), particularly as they relate to the restrictions contained therein on the injured employee's choice of treating physician and make recommendations to the governor and the speakers of the house and senate concerning any proposed changes to the section. The following constitutes the Advisory Council's report on this issue.

It is true that the treating physician in a workers' compensation claim has substantial influence on many factors involved in a claim including, but not limited to: the course of care, the duration of the treatment and return to work issues, the medical cost of the claim, the outcome and satisfaction experienced by the employee, and the extent of disability and, therefore, the monetary indemnity award. It is probably safe to state that in the national workers' compensation arena the question of who should select the treating physician in a claim is a fundamental issue that affects the case substantially and is an issue that has no universal resolution. The states approach this concept in various ways and advocates for the interested parties line up on the different sides of the issue. It is no different in the State of Tennessee.

### **CURRENT TENNESSEE LAW**

The portion of Tennessee workers' compensation law that relates to the provision of medical treatment to injured employees is codified in *Tennessee Code Annotated* §50-6-204(a)(4), which provides as follows:

The injured employee shall accept the medical benefits afforded hereunder; provided, that the employer shall designate a group of three (3) or more reputable physicians or surgeons not associated together in practice, if available in that community, from which the injured employee shall have the privilege of selecting the operating surgeon or the attending physician; and, provided further, that the liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar

treatment in the community where the injured employee resides. The above listing of physicians or surgeons may include doctors of chiropractic within the scope of their licenses.

It should also be noted that other provisions of *TCA* §50-6-204 contain additional limitations on the designation and selection of the “operating surgeon” or “attending physician” [the term “treating physician” will be used in this report]. For example, the statute requires an additional choice/name if the injury is to the back and contains restrictions on the panel list as it relates to doctors who practice together.

Tennessee case law has also added restrictions or requirements in areas where the statutory language is silent. For instance, the statute does not address how a change in the treating physician is to handled. However, Tennessee court decisions have held that the intent of the statute is the employer - in the first instance - has the right to choose such medical services as are to be provided the employee and the employee should consult his employer before incurring the expenses called for by the statute if the employee expects the employer to pay for the medical expenses. Generally, more recent case law has concluded:

- Where the employer fails to provide the required panel and the employee is justified in choosing a doctor of his own, the employer is liable for the medical expenses. The issue becomes whether the employee acted reasonably in selecting his own doctor.
- An employer that denies liability for an accident and injury claimed by an employee is in no position to insist upon the provisions respecting the choice of physicians;

denial of liability without an adequate investigation may be determined to provided a reasonable excuse for the employee to choose the treating physician. However, the violation of the requirements of the section by the employer does not give the employee the right in every case to select a physician without consulting the employer, nor does the statutory violation automatically make the employer liable for the medical expenses incurred by the employee. The determination is made on the facts of each case.

- Once an employee has engaged a treating physician, following the denial of a claim, the employer has been held not to have the right to require the employee to select a doctor from a panel.
- If an employee is dissatisfied with the medical services being furnished by the employer the employee may: request the appointment of a neutral physician, consult with the employer and permit the employer to make other arrangements or go to a physician of his or her own choice [and face the possibility of incurring the costs, if the action is deemed not to be reasonable.



## OTHER STATES' LAWS re: CHOICE OF PROVIDER

### Countrywide

There is no uniformity among the states in the manner by which an injured employee initially obtains medical treatment or by which a change is made. The following chart summarizes the methods used in the United States for selection of providers or changing providers in workers' compensation cases. The information is taken from or extrapolated from the WCRI publication: *Managed Care and Medical Cost Containment in Workers Compensation - A National Inventory, 2001-2002* (Tanabe and Murray, 2001):

INITIAL CHOICE OF PROVIDER	NUMBER OF JURISDICTIONS
Employee Selects	14
Employee selects, or within managed care arrangement if one exists	12
Employee chooses from list developed by employer or insurer	4
Employer or insurer selects	17
Combination	4 [ Arizona, California, Nebraska and New Mexico]
CHANGE OF PROVIDER	NUMBER OF JURISDICTIONS
<i>*EMPLOYEE INITIATES CHANGE</i>	
Employee is unrestricted	3

Employee unrestricted for 1 change [may be limits in subsequent changes]	7
Employee restricted from making any change [usually by requirement of either employer/insurer or the agency, or is restricted to change within an MCO if such arrangement exists or is restricted by time limit on any change]	38
Employee cannot change	2
	*New Mexico not included because right to change depends on who has initial choice
<b>*EMPLOYER OR INSURER INITIATES CHANGE</b>	
Employer is unrestricted	7
Employer is restricted	9
Employer cannot change	34
	*New Mexico not included because right to change depends on who has initial choice

## Contiguous States

When studying a specific workers' compensation issue, it is often helpful to review how the states that are contiguous to Tennessee approach the issue. Therefore, the following chart provides more specific information as to how medical providers are selected or changed during the course of a workers' compensation claim.

STATE	INITIAL CHOICE	EMPLOYEE CHANGE	EMPLOYER CHANGE
ALABAMA	Employer or insurer selects	Once - from the employer or insurer list	None allowed
ARKANSAS	Employer/insurer selects	Once - with agency approval or within MCO	Agency approval
GEORGIA	Employer/insurer lists: 4 or 10 physicians or MCO if subject	Once from list of 6; once within 60 days if panel of 10, or only once if within MCO without approval	Agency approval

KENTUCKY	Employee selects or MCO if subject	Once, then Agency approval or within MCO	With Agency approval
MISSISSIPPI	Employee selects	Employer/insurer or Agency approval	None allowed
MISSOURI	Employer/insurer selects	None allowed or within MCO	Unrestricted
NORTH CAROLINA	Employer/insurer selects	Employer/insurer or Agency approval	None allowed
TENNESSEE	Employer/insurer list, 3 or more physicians	Employer/insurer approval	Agency approval  *note: this is taken from the publication; doubtful was true at time of publication
VIRGINIA	Employer/insurer list, 3 physicians per specialty	Employer/insurer or agency approval	None Allowed

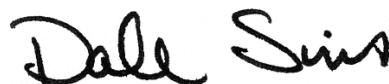
### **ADVISORY COUNCIL COMMENTS**

It is clear that there is no uniform approach to the issue of the selection/change of the treating physician in a workers' compensation case. No specific studies have been identified that have attempted to determine if one approach or another is more beneficial to the system and the system participants.

The Workers' Compensation Research Institute is currently in the "peer review" of a study on the issue. The WCRI anticipates publication of the study in the Spring of 2005. The Advisory Council will review the WCRI study and, if indicated, will issue a revised report on this issue.

The Advisory Council is comprised of members who represent various stakeholders in the Tennessee workers' compensation system. As a result, each representative has individual opinions as to how the current Tennessee system should or should not be altered and how any alteration would impact the system as a whole. The members point out that the advent of a medical fee schedule in Tennessee, as required by July 1, 2005, will have unknown ramifications on provider selection. Therefore, at the current time, the members of the Advisory Council have no recommendations to make concerning Tennessee law's restrictions on the injured employee's choice of treating physician,

Respectfully submitted on behalf of the  
Workers' Compensation Advisory Council,

A handwritten signature in black ink that reads "Dale Sims". The signature is written in a cursive, flowing style.

Dale Sims, State Treasurer  
Chair

## **APPENDIX E**

### **SUMMARY OF COURT DECISIONS CALENDAR YEAR 2004**



## **STATE OF TENNESSEE WORKERS' COMPENSATION ADVISORY COUNCIL**



### **SUMMARY OF COURT DECISIONS CALENDAR YEAR 2004**



#### **INTRODUCTION**

Public Chapter 962, Section 26, codified in *TCA* §50-6-121©, requires the Workers' Compensation Advisory Council to include, in its annual report, a summary of significant court decisions relating to workers' compensation and an explanation of their impact on existing policy. Inasmuch as the annual report is due mid-year, the Advisory Council thought it would be beneficial to the members of the General Assembly to receive the case law information from the prior calendar year at the beginning of the subsequent legislative session. Therefore, the following is the Advisory Council's report regarding the significant court decisions during calendar year 2004.

**SIGNIFICANT TENNESSEE COURT DECISIONS - 2004****1. Weekly Wage/Compensation Rate**

*Bone v. Saturn Corporation*, \_SW3d\_[M2004-00195-SC-R3-CV, filed November 2, 2004]

Facts: Employee was diagnosed with “tennis elbow” in her left arm in 1997 and she reported it to the employer on February 7, 1997. The employee continued to work in the employer’s plant while undergoing conservative treatment. Conservative treatment did not succeed and the employee had surgery on May 25, 2001. The employee had not missed any work from the date of her injury until the date of surgery.

Trial Results: The trial court initially awarded benefits based on a weekly compensation rate as of the date the employee reported the injury but later amended the order to award benefits based on the weekly compensation rate as of the date the employee underwent surgery. The trial court modified the judgment based upon the last day worked rule for gradually occurring injuries.

Supreme Court Decision: The Supreme Court reviewed the general law regarding the last day worked rule stating the its purpose is to fix a date certain when the employee knows or should have known he/she had sustained a work-related injury. The Court noted it has not applied the last day worked rule in the context of determining an employee’s weekly compensation rate but the Special Workers’ Compensation Appeals Panel has addressed the subject with conflicting results.

The Supreme Court held that it is unnecessary to utilize the last day worked rule when the employee gives actual notice of the injury to the employer prior to missing time from work on account of the injury. The Court stated if no such notice has been given to the employer, the last day worked rule would apply.



Impact on Existing Policy: This case resolved a conflict in opinions of the Appeals Panel and gave direction as to whether the last day worked rule would apply in the context of determining the weekly compensation rate.

## **2. Temporary Total Disability**

*Gray v. Cullom Machine, Tool & Die, Inc.*, 29 TAM 52-2 (Tenn. 2004) -opinion filed on 12/20/04

Facts: The employee was injured on May 26, 2000; he continued to work for the employer until he had surgery on November 2, 2000. After leaving the employer, the employee operated a tool sharpening business from November, 2000 until October, 2002 when he was forced to close the business because it was not profitable. The employee claimed he was entitled to temporary total disability benefits from the date of the injury until he left his employment in November, 2000 and from November 2000 until October 2002. The employer contended he would not be entitled to these benefits.

Trial Results: The trial court ordered temporary total disability benefits for these periods.

Supreme Court Decision: The Supreme Court reversed holding there was no showing by the employee that he was not able to work and was totally disabled during the time periods in question. The Court stated, ... “Although his business did not make a profit, the standard for awarding temporary total disability benefits is not profitability, but rather an employee’s ability to work.”

Impact on Existing Policy: This opinion of the Court appears to apply a different standard to temporary total disability benefits than it has in cases involving permanent total disability benefits.

### **3. Permanent Total Disability**

A. *Galloway v. Liberty Mutual Insurance Co.*, 137 SW3d 568 (Tenn. 2004)

Facts: The employee was injured when he was less than 58 years of age. However, he received medical treatment for over three years and was 61 years of age when he reached maximum medical improvement. The parties agreed the employee was entitled to permanent total disability benefits. However, the employee claimed he would be entitled to 260 weeks of permanent total disability benefits because he was over age 60 when he reached maximum medical improvement. The employer claimed the employee was entitled to permanent total benefits until he was eligible for full Old Age Social Security benefits which was less than 260 weeks.

Trial Results: The trial court held the employee was entitled to only 232 weeks of benefits because he was less than 60 years old on the date of injury.

Supreme Court Decision: The Supreme Court held even though an employee's injury may be classified or reclassified to permanent total disability after the age of 60, the date of injury controls eligibility for a minimum of 260 weeks of permanent total disability benefits pursuant to *TCA* §50-6-107(4)(A)(I). The holding was based on the clear language "disabilities resulting from injuries which occur after 60 years of age" as used in *TCA* §50-6-207(4)(A)(I), which provides that

permanent total disability benefits are payable for 260 weeks applies only to injuries sustained after age 60. Since the employee was injured prior to that age, the Court held he was entitled to receive permanent total disability benefits until he reached age 65, which was less than 260 weeks.

Impact on Existing Policy: This case clarifies that it is the date of injury which will govern the duration of the permanent total disability benefits an employee is eligible to receive.

B. *Rhodes v. Capital City Insurance Co.*, 29 TAM 52-1 (Tenn. 2004)

Facts: The employee claimed he was entitled to permanent total disability benefits following a heart attack. He continued to work after the heart attack with the aid of an assistant. The employee argued he was totally disabled from the time he reached maximum medical improvement and he should collect benefits from that date to the time he ultimately stopped work. The employer argued the employee was not entitled to receive permanent total disability benefits for the period he continued to work following maximum medical improvement, which was a three year period.

Trial Results: The trial court ordered permanent total disability benefits to be paid as of the day the employee last worked.

Supreme Court Decision: The Supreme Court concluded since the employee was working following the date of MMI he did not meet the criteria for permanent total disability [totally incapacitated from working at an occupation which brings the employee an income]. The court rejected the employee's reliance on the unreported case of *Atkinson v. Sinage, Inc.*, 2003 WL 21782292 (Tenn. Workers' Comp. Panel Aug. 4, 2003) which held an employee entitled to permanent total disability even though he continued to work for the employer in a job the employer created for the employee. The Supreme Court reaffirmed its decision in *Skipper v. Great Central*

*Ins. Co.*, 474 SW2d 420, 424 (Tenn. 1971) in which it held that the fact an employee is employed after the injury in the same type of employment and the same wage does not preclude a finding of total disability stating: “To hold otherwise would have the result of discouraging those few hardy individuals who try to work under great physical handicap, by the threat of denying them compensation which they might otherwise be entitled to if they did not work. We do not think it was the intent of the Legislature that the Workmen’s Compensation Statutes be so construed. In determining permanent total disability ...this fact of employment after injury is a factor to be considered along with all the other factors involved when applying the test, which is whether the employee, in light of his education, abilities, physical and/or mental infirmities, is employable in the open labor market.

Impact on Existing Policy: The decision adds clarity to this issue by the Court’s statement that it would be an extremely rare situation in which an injured employee could, at the same time both work and be found permanently and totally disabled and for this situation to occur the evidence must show the employee was not employable in the open labor market and the only reason the employee was currently working was through the magnanimity of his/her employer.

#### **4. Medical Benefits**

A. *Moore v. The Town of Collierville*, 124 SW3d 93 (Tenn. 2004)

Facts: The employee sustained three injuries while employed by the Town of Collierville. As a result of the injuries the employee ultimately received conservative treatment which was

provided by the employer. The employee was dissatisfied with his treatment and without approval by the employer sought the services of another doctor who performed surgery. The employer refused to pay these unauthorized medical expenses and they were paid by the employee's personal health insurer, except for co-pays paid by the employee. The employee filed suit against the employer.

Trial Results: At trial another doctor testified the "unauthorized" surgery was reasonable, necessary and related to the work injuries. Despite finding the unauthorized medical treatment was reasonable and necessary, the trial court refused to require the employer to pay the unauthorized medical expenses to the health insurance carrier holding the employee's health insurer was required to intervene to protect its interest.

Supreme Court Decision: The Supreme Court held that workers' compensation law makes it "crystal clear" that the employer is obligated to the employee to pay reasonable and necessary medical expenses for work related injuries. The Court noted, however, the statute does not provide for or prohibit employer reimbursement of medical expenses to a third-party health insurer for treatment which was necessary and reasonable and the statute does not address the question of intervention. The Court held a health insurer should not be required to intervene in a workers' compensation case and an employee should not be required to force such intervention in those instances where the employer does not authorize or pay for medical expenses and instead forces an employee who seeks early treatment to use personal health insurance benefits for expenses that are later determined to be necessary and reasonable. Thus, once a finding has been made that an injury

is work-related, the health insurer can seek reimbursement from the employer for the medical expenses paid on the employee's behalf because health insurance contracts do not cover work-related injuries.

Impact on Existing Policy: This issue had not been addressed by the Supreme Court. It had, however, been addressed in two cases heard by the Special Workers' Compensation Appeals Panel in which the judges reached opposite results. The Court's rationale was based on the concept that allowing health insurers to receive reimbursement without formally intervening in workers' compensation claims is consistent with the remedial nature of the workers' compensation laws and the employee should not be required to force such intervention. The court stated this may result in employees having earlier access to medical treatment and the full range of workers' compensation while requiring health insurers to intervene may have a chilling effect on health insurers' willingness to pay claims that could ultimately be deemed work-related and outside their contractual obligations. For the health insurer to recover medical expenses from the employer these expenses have to be reasonable, necessary and due to the work-related injuries sustained by the employee.

B. *Kilgore v NHC Healthcare*, 134 SW3d 153 (Tenn. 2004)

Facts: The employee sustained a back injury in 1999. The claim against her employer was settled in January, 2001. The judgment ordered two years of future medical treatment from December 4, 2000 to December 4, 2002. Following the settlement approval and entry of the judgment the plaintiff reported continued pain in her back. The doctor ordered an MRI and

discogram. The employer's utilization review program would not authorize the tests. The plaintiff filed a motion in court requesting that the employer be ordered to provide the tests.

Trial Results: The Chancellor found the diagnostic tests were reasonable and necessary and ordered that they be provided by the employer. The employer appealed contending the court did not have jurisdiction to hear the matter as an employee's recourse was limited to review by the Commissioner of Labor and Workforce Development's utilization review program.

Supreme Court Decision: The Supreme Court concluded the trial court had jurisdiction to consider the employee's appeal of the decision to deny diagnostic tests made by the employer's utilization review program. First, the Court noted the language of the statute provides an employee who disagrees with the employer's utilization review "shall have recourse" to the Commissioner's utilization review program and noted the plain and ordinary meaning of this phrase does not replace or limit judicial review. The Supreme Court's rationale for its decision is noted in the following statements contained in the opinion: (a) the statute relied on by the employer does not expressly state the appeals of decisions made by an employer's utilization review program are solely or exclusively through the Commissioner's utilization review program and, therefore, must be construed harmoniously with provisions that allow appeals in workers' compensation matters and (b) granting employees recourse through the Commissioner in addition to judicial review is consistent with the remedial purpose of the Workers' Compensation Act [Citing the 2003 opinion of *McCall v. Nat'l Health Corp.*, 100 SW3d 209 that held a trial court's authority to initiate workers' compensation benefits before the final adjudication was not divested by the legislature when it enacted the workers' compensation specialist program.]

Impact on Existing Policy: This issue had never been considered by the Supreme Court. It was a case of first impression.

*C. Sullivan v. Edwards Oil Co.*, 141 SW3d 544 (Tenn. 2004)

Facts: The employee was shot in the face and suffered a severe, traumatic injury while working at a market owned by the employer. She lives with her grandmother and her mother and her mother serves as her court-appointed conservator and primary care giver. The employee is permanently totally disabled. Her mother claimed she is entitled to be paid by the employer/insurer for the present and future care of her daughter as part of the reasonable and necessary medical expenses to which the employee is entitled. The treating doctor testified the employee is capable of dressing and bathing herself, but cannot be left alone for more than 15-30 minutes and that any competent adult could supervise her. The doctor did not order any professional nursing or home care for the employee.

Trial Results: The trial court held the mother was not entitled to compensation concluding the statutory language only requires the employer to pay for professional nursing services ordered by the treating physician and the mother was not a professional nurse.

Supreme Court Decision: The Court was asked to define “nursing services” and to decide if the mother was providing nursing services that would require the employer to compensate her. The Supreme Court stated the statutory language is clear and unambiguous and held “nursing services” refers to the services of a professional nurse. The Court then opined that while the mother’s care and supervision is commendable it “...is not the role of this Court to broadly expand



employers' liability under the Law by inserting a new category of compensable services. ... The Legislature is better suited to consider the costs and benefits of such compensation and to define its parameters."

Impact on Existing Policy: While the Supreme Court interpreted the current statute as the law requires its dicta appears to support a modification of the law.

## 5. Specific Injuries

### A. Idiopathic Episode

*Phillips v. A & H Construction Co.*, 134 SW3d 145 (Tenn. 2004).

Facts: The employee was driving his personal vehicle to Nashville at his employer's instructions to pick up two other employees and transport them to an out-of-state job site. The employer compensated him for his time during travel and for operation of his vehicle and required him to provide transportation for another employee. A short distance from his house, the employee lost consciousness, due to unknown causes, and hit another vehicle.

Trial Results: The trial court determined that the employee's injuries did occur in the course of his employment but held the injuries did not arise out of his employment. The trial court concluded an injury that occurs due to an idiopathic loss of consciousness is not compensable because a causal connection could not be shown between the employment and the loss of consciousness. The trial court denied benefits. The Supreme Court granted a Rule 10 application for an extraordinary appeal.

Supreme Court Decision: The Supreme Court held compensation is available to an

employee who is injured as a result of an idiopathic episode if the employee can show a causal connection between the injury and some hazard incident to the employment. The justices concluded if driving a vehicle is part of an employee's job, then it is a hazard incident to employment. Therefore, the employee is required to prove driving the vehicle caused or exacerbated his injuries not that a condition of work caused the loss of consciousness.

Impact on Existing Policy: The case clarifies prior case law involving an injury caused by an idiopathic condition by holding that such an injury is compensable if an employment hazard causes or exacerbates the injury. The necessary causal link is between the employment and the accident or injury rather than between the employment and the idiopathic episode.

#### B. Heart Attack

*Clark v. Nashville Machine Elevator Co.*, 29 SW3d 42 (Tenn. 2004)

Facts: The employee had worked as an elevator mechanic for the employer for approximately 8 years before his death from complications stemming from a heart attack suffered while driving home from work in the employer's vehicle. The day before the attack, the employee told his wife he was short of breath, tired, aching. Two or three weeks previously he had difficulty breathing while at work. The employee often worked more than forty hours per week and was frequently on call. His work was characterized as heavy labor and his tool box weighed 28 pounds. The only medical proof was from the employee's treating physician who testified the employee had coronary artery disease which develops over time. The physician testified that although he did not

know for certain what precipitated the heart attack, it was “possible” the physical demands of the job caused it. The doctor also testified that the employee was at risk for heart disease because he smoked cigarettes, was on medication for high cholesterol and had a family history that included heart problems.

Trial Results: The trial court found the employee’s job required him to carry a heavy toolbox from his vehicle to the location of the work to be done, to climb stairs, to climb on top of elevator cars and to climb in and out of elevator shafts. The trial court found the employee serviced or repaired nine elevators on the day of his heart attack and thirteen on the day before. The trial court relied on the physician’s testimony that the heart attack “could have” resulted from the physical exertion of his job and held the employee’s death arose out of his employment. The widow and child were awarded medical expenses, funeral expenses and death benefits.

Supreme Court Decision: The Supreme Court affirmed the decision of the lower court’s finding that there was no dispute the heart attack occurred in the course of employment [driving home in the company vehicle]. The dispute, however, was whether the heart attack arose out of the employment. The Court added that heart attack cases are necessarily fact dependent and it would be difficult to formulate a bright-line rule that would be applicable to all heart attack cases and still produce just results. The Supreme Court stated the key in these type cases is whether the evidence links the physical activities of the employment with the heart attack, not merely whether there is proof of physical exertion at the moment the heart attack occurred.

Impact on Existing Policy: This case provided additional clarity regarding heart attack cases

by holding normal physical activities of the employment - not merely the physical exertion at the moment of the heart attack will - will support a holding of compensability.

6. Subrogation / Assignment

A. *Hickman v. Continental Baking Company*, 143 SW3d 72 (Tenn. 2004)

Facts: The employee suffered an injury when a conveyor belt jammed. The employee filed a tort action against the manufacturer of the machine and also filed a workers' compensation action against his employer. The tort action was settled prior to the trial of the workers' compensation case. The employer did not intervene in the tort action. At the trial of the workers' compensation case, the employer claimed it was entitled to be reimbursed for benefits it had previously paid to or on behalf of the employee.

Trial Results: The trial court held the employer was not entitled to be reimbursed for benefits previously paid because the employer had not "fully or partially paid and discharged its liability" to the employee. The employer appealed claiming error in the interpretation of *TCA* §50-6-112(c)(1).

Supreme Court Decision: The Supreme Court held an employer does have a subrogation lien against any recovery received by the employee in the tort action as well as a credit against any future liability that accrues. However, the Court determined the subrogation/credit applies only to the award of periodic payments of permanent partial disability benefits but does not apply to future medical expenses because the amount is unknown and incalculable at the time of the workers' compensation trial. The Court's decision applies to cases in which workers' compensation cases

are settled for a lump sum and those in which the employee receives periodic payments.

Impact on Existing Policy: The Court expanded its holding in a 2000 case in which the workers' compensation case was settled for a lump sum to apply to cases in which the employer/insurer has continued obligations for future medical expenses. The employer would be entitled to a credit for the sum of future disability benefits because those benefits are certain.

B. *Reliance Insurance Company v. Mackey*, No. M2003-03106-COA-R3-CV (Tenn. Court of Appeal, filed November 18, 2004).

Facts: Reliance Insurance provided workers' compensation benefits to Marty Kratz as a result of a work-related injury on March 22, 2000. Following the injury, Dr. Mackey performed surgery on the employee on August 18, 2000 during which it is alleged Dr. Mackey negligently lacerated the employee's aorta. The loss of blood from this event led to a debilitating stroke for which Reliance paid substantial workers' compensation benefits (in excess of \$500,000). The employee filed a medical malpractice action against the doctor on August 17, 2001 and subsequently voluntarily dismissed the action on September 27, 2001. The employee never revived nor re-filed the action against the doctor. On August 15, 2004, approximately two years later (and almost three years after the cause of action accrued to the employee), Reliance filed an action against the doctor as the purported assignee of the employee's third party claim against the doctor.

Reliance alleged under *TCA* §50-6-112(d)(2) it is the assignee of the employee and argued when the employee voluntarily dismissed the malpractice action against the doctor that this constituted a failure to effectively bring an action and this resulted in an assignment of the cause of

action to Reliance on August 20, 2001, the one-year anniversary of the accrual of the cause of action. Reliance then argued it an additional six months from that date to file suit against the doctor, or until February 20, 2002. During that six month period, Reliance was placed into liquidation on October 3, 2001. Tennessee law grants the liquidator two years to institute an action after an order appointing a liquidator if “the period of limitation fixed by applicable law has not expired” as of the date of the liquidation order. The action against the doctor was filed on August 15, 2003, less than two years following the entry of the liquidation order.

The doctor maintained under the statutory language an employer becomes an assignee of an employee’s cause of action only if the employee does not file his/her own lawsuit. The doctor argued the employee’s timely filing of a malpractice suit against him precluded the assignment to the insurer under the statute.

Trial Results: The trial court held the insurance company was not entitled to the six month extension following the voluntary dismissal and the action was time barred.

Supreme Court Decision: The Supreme Court held that once an employee files a complaint against a third party tortfeasor, the action has been “brought” and the timely filing of the original action against the third party tortfeasor precludes the assignment of the cause of action to the insurer. Therefore, since the Reliance Insurance Company is not an assignee it is not entitled to the six month extension of the statute of limitations.

Impact on Existing Policy: To the extent the intent of *TCA* §50-6-112(d)(2) was to provide protection for insurance carriers when the employee fails to prosecute a third party tort claim to its conclusion, this case changes that legislative intent.

## CONCLUSION

The Workers' Compensation Advisory Council respectfully submits this report to the General Assembly. A copy of the report will be sent to the Governor, the Speaker of the Senate and the Speaker of the House. A copy of the report will be posted on the website of the Advisory Council [[www.state.tn.us/labor-wfd/wcac](http://www.state.tn.us/labor-wfd/wcac)] and notification of the posting will be sent vial e-mail to all members of the General Assembly.

Respectfully submitted on behalf of the  
Workers' Compensation Advisory Council,



Dale Sims, State Treasurer  
Chair

## **APPENDIX F**

### **TENNESSEE WORKERS' COMPENSATION DATA CALENDER YEAR 2004**

[Full Report Follows]



**STATISTICAL REPORT:  
TENNESSEE WORKERS' COMPENSATION DATA - 2004  
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## **STATISTICAL REPORT: TENNESSEE WORKERS' COMPENSATION DATA CALENDAR YEAR 2004**

### **INTRODUCTION**

Statewide workers' compensation data was first reported for Tennessee in 2002, by the Workers' Compensation Advisory Council. That report included data and statistics related to workers' compensation cases concluded in calendar years 2000 and 2001. Three years later, this statistical report contains data from calendar year 2004 and contains trend information for five consecutive years.

This statistical report is possible because the General Assembly, in 1998, enacted *Tennessee Code Annotated* § 50-6-244 which established a method by which workers' compensation data specific to each Tennessee claim is to be reported to the Department of Labor and Workforce Development (hereinafter, "Department"). The statute requires the parties to complete and file a statistical data form at the conclusion of a case, contemporaneously with the final order or, if the settlement is approved by the Department, at the time the settlement is approved.

After the statistical data forms are received by the Department, the data from the individual forms are entered into the integrated workers' compensation computer system. The Department provided staff of the Advisory Council with access to the database. It is from this database that the following statistics were developed.<sup>4</sup> The number of cases will vary from chart to chart. This is because the statewide figures reported are calculated with the data available in the Department's database, which is dependant on the degree to which the SD-1 forms are fully completed. In other words, all data listed on the forms sent in are entered into the database, but not all fields in the filed SD-1 forms are fully complete as required by law.

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<sup>4</sup> Without access to the Department's database, this project could not have been completed. The Advisory Council staff thanks the Department for its cooperation.

As has been noted in the prior published reports, a working knowledge of the Tennessee workers' compensation system is necessary to the understanding of the statistics contained herein. Therefore, for those who are unfamiliar with the Tennessee system, a summary is provided in Appendix 3. In 2004, the General Assembly enacted substantial workers' compensation reform. However, the data reported herein pre-date the effective date of the 2004 reform act. Therefore, the summary is a description of the law as it existed on June 30, 2004. The summary is not intended to be a complete description of the Tennessee workers' compensation system, but is designed to give an explanation of those portions of the workers' compensation law that are necessary to an understanding of the reported statistics and their relevance. The summary provided is applicable only to those cases (1) that involved injuries sustained prior to July 1 2004; (2) claims that were concluded in calendar year 2004; and (3) claims in which there was no dispute as to whether the employee was injured in the course and scope of employment. For a more detailed explanation of the Tennessee workers' compensation law, the reader is urged to review *Tennessee Code Annotated* §50-6-101 *et seq.*

The following is the compilation of statistics from statistical data forms received by the Department for claims/cases concluded in calendar year 2004. This report does not purport to analyze the data. Its primary function is to provide a snapshot of Tennessee workers' compensation cases closed in 2004. However simple calculations were performed to test for statistically significant differences between judicial districts. A statistically significant difference between judicial districts for a given variable means the probability of getting the results are so rare that their occurrence is due to non-chance factors *or* that the variance within individual judicial districts is less than the variance between the judicial districts. Any analysis or specific study of the data will be provided in separate reports as requested by the Workers' Compensation Advisory Council members or the General Assembly.



This report also includes data from cases concluded in calendar years 2000 through 2003, as reported in previous annual reports. Statewide and judicial district summary data from 2000 to 2004 are available in Appendix 1 and bar graphs representing the trend data are presented in Appendix 2 of this report.

As in the 2004 annual report (reporting 2003 data), cases are assigned to judicial districts based on the county in which the trial was conducted or the county in which the court approved the settlement was approved. As utilization of the Department of Labor and Workforce Development to approve settlements increased, a large group of cases cannot always be assigned to a specific judicial district because the "county filed" on the SD-1 is not completed. Therefore, if the "county field" was blank, staff used the data from the "county of residence at conclusion field"<sup>5</sup> to assign the case to a judicial district. This resulted in the assignment of 2,364 cases to a specific judicial district that would otherwise have been listed in the designation "judicial district not given."

As discussed above, during the 2004 legislative session, significant workers' compensation reform was enacted for cases with injury dates on or after July 1, 2004. Because it takes nearly 22 months on average for permanent disability cases to reach conclusion, only 96 of the calendar year 2004 cases concluded after July 1, 2004, the date the reform went in to effect. Of the 96 cases, only 3 are body as a whole cases, 5 are arm injury cases and 12 are leg injury cases.<sup>6</sup> These cases were not included in the analysis for this report. Effects of the 2004 reform may begin to appear in 2005 data and should be clearly visible in 2006 data.

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<sup>6</sup>All were cases in which the injured workers returned to work.

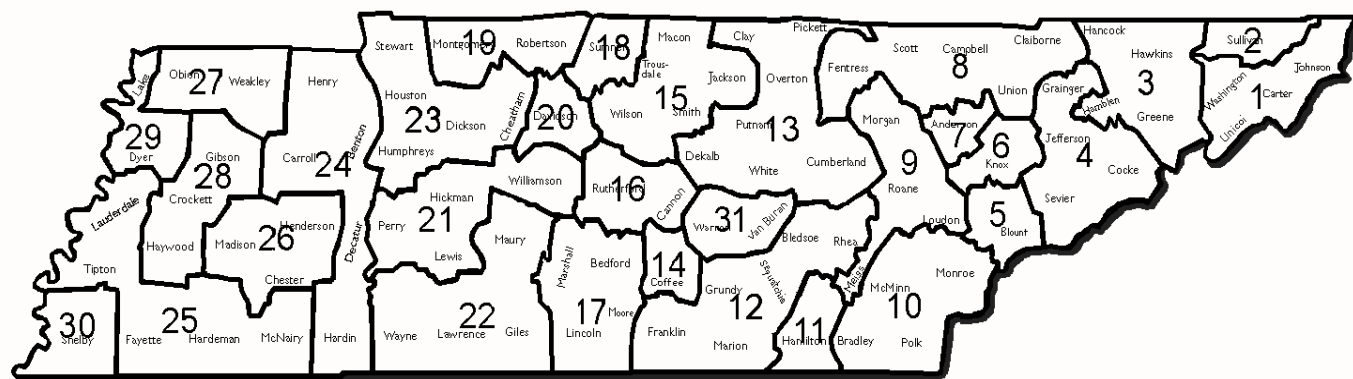
## METHODS

Pursuant to various Tennessee statutes, participants in the Tennessee workers' compensation system are required to send certain reports to the Tennessee Department of Labor and Workforce Development (hereinafter Department). One report, the "Employer's First Report of Work Injury or Illness" (hereinafter First Report or C-20), is the document that initiates a claim file within the Department for a reportable workers' compensation claim. In 2004, this form is required to be completed by the employer for every work-related injury. One of the final reports received by the Department is the "Statistical Data Form" (hereinafter SD-1). It is the closing document for a claim in which a permanent injury was sustained. The SD-1 form is filed by the attorney representing the employer/insurance carrier with the clerk of the court in which a claim is concluded by trial or settlement and the clerk then transmits the completed SD-1 form to the Department. For settlement agreements approved by the Department, the SD-1 form is submitted to the Department at the time of the approval.

The Department operates an integrated computer system which is referred to as the "Workers' Compensation Computer System" (hereinafter WCS). It is into this database that the information from the First Report and the SD-1 forms are entered. The Department has given the staff for the Workers' Compensation Advisory Council access to the WCS.

Advisory Council staff queried the WCS for closed case data from calendar year 2004 on May 13, 2005, with injury dates on or after August 1, 1992, the date on which the 1992 Workers' Compensation Reform Act began to apply to work-related injuries. Data were retrieved from the SD-1 forms. A total of 12,181 cases concluding in calendar year 2004 were collected. This data set should not be considered a sample. Rather, it is the entire population of cases that concluded in the time frames specified and for which a SD-1 form was filed with the Department.

To be able to discern the importance of the various tables and figures that follow, the reader must understand Tennessee is divided into 31 Judicial Districts. The judges and chancellors of each District hear workers' compensation cases in all of the counties that comprise the individual District. There are eight Judicial Districts that have only one county. The other twenty-three vary in the number of counties that comprise the District. To assist the reader in determining the counties in each Judicial District the following map of Tennessee displays the 31 Judicial Districts and the counties in each.



## NUMBER OF CASES

Table 1 lists the number of cases per judicial district and county that were closed in calendar year 2004. The table contains: the number of SD-1 forms received by the Department of Labor and Workforce Development (the Department) and the number of workers' compensation cases reported as closed in 2004 by the various county clerks to the Administrative Office of the Courts (AOC). The table also contains a calculated percentage comparison between the number of workers' compensation cases reported as closed by the AOC and the number of SD-1 forms received by the Department. The AOC data come from the monthly closing report each court clerk is required to submit to the AOC. The report lists the number and type of cases (complaints/lawsuits) closed during the preceding month.<sup>7</sup>

It is important to note that a workers' compensation claim can be settled between the parties and the settlement approved by the Department without the parties ever filing a complaint in a court. These particular cases will not be included in the AOC closed workers' compensation case data as the court will never have had the case. As a result, the percentage comparison of SD-1 forms received to the number of AOC closed workers' compensation cases will be somewhat less than that which is reported in Table 1.

One of the ways in which the data from the SD-1 forms is analyzed is to identify the county in which the claim/case was concluded and to assign the data to the appropriate judicial district (JD). Thus, the reader must be aware that for data contained in Table 1 and in other parts of this statistical report to be divided into judicial districts, it is necessary for the SD-1 form to contain the name of the county in which the claim was concluded and the SD-1 form filed. Even after the county of residence at conclusion is substituted for those in which the conclusion county is missing, many SD-

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<sup>7</sup> The AOC provided Council staff with this information for calendar year 2005 and staff deeply appreciates their assistance and cooperation.

1 forms submitted and filed by the attorneys do not contain county information. As a result, the data related to these specific SD-1 forms are reported under the designation “JD Not Given” (ie. Judicial District Not Given). In 1,368 cases (11%), the county in which the case was concluded cannot be determined from the “county” and “county of residence at conclusion” fields on the SD-1 form.

Since data has been received from all judicial districts, it can be assumed the data throughout this report is representative of the entire state. However, when comparing the number of SD-1 forms with the number of cases concluded in 2004 according to the AOC, 16% of cases concluded do not have SD-1 forms. The percentage of SD-1 forms filed compared to the number of cases concluded by the AOC are as follows: 86% in 2000, 76% in 2001 and 73% in 2002, increased to 76% in 2003 and 84% for 2004.

**Table 1: Workers' Compensation Cases Reported as Closed in Calendar Year 2004**

Judicial District	County		Frequency	AOC	Percent	Judicial District	County		Frequency	AOC	Percent
1	10	Carter	79	48	164.6%	16	8	Cannon	5	23	21.7%
	46	Johnson	8	4	200.0%		75	Rutherford	550	727	75.7%
	86	Unicoi	44	27	163.0%		Total		555	750	74.0%
	90	Washington	196	129	151.9%	17	2	Bedford	41	110	37.3%
	Total		327	208	157.2%		52	Lincoln	38	53	71.7%
2	82	Sullivan	202	129	156.6%		57	Marshall	36	84	42.9%
	Total		202	129	156.6%		62	Moore	11	7	157.1%
3	30	Greene	146	125	116.8%		Total		126	254	49.6%
	32	Hancock	2	2	100.0%	18	83	Sumner	134	208	64.4%
	34	Hamblen	122	151	80.8%		Total		134	208	64.4%
	37	Hawkins	94	73	128.8%	19	61	Montgomery	122	237	51.5%
	Total		364	351	103.7%		74	Robertson	80	133	60.2%
4	15	Cocke	72	66	109.1%		Total		202	370	54.6%
	29	Grainger	32	23	139.1%	20	19	Davidson	1757	3174	55.4%
	45	Jefferson	58	86	67.4%		Total		1757	3174	55.4%
	78	Sevier	164	153	107.2%	21	41	Hickman	12	19	63.2%
	Total		326	328	99.4%		51	Lewis	11	22	50.0%
5	5	Blount	159	193	82.4%		68	Perry	14	20	70.0%
	Total		159	193	82.4%		94	Williamson	61	103	59.2%
6	47	Knox	741	790	93.8%		Total		98	164	59.8%
	Total		741	790	93.8%	22	28	Giles	116	41	282.9%
7	1	Anderson	381	463	82.3%		50	Lawrence	43	93	46.2%
	Total		381	463	82.3%		58	Maury	150	276	54.3%
8	7	Campbell	100	132	75.8%		91	Wayne	10	25	40.0%
	13	Claiborne	31	30	103.3%		Total		319	435	73.3%
	25	Fentress	27	41	65.9%	23	11	Cheatham	26	38	68.4%
	76	Scott	57	66	86.4%		22	Dickson	39	70	55.7%
	87	Union	74	18	411.1%		42	Houston	7	14	50.0%
	Total		289	287	100.7%		43	Humphreys	6	21	28.6%
9	53	Loudon	96	74	129.7%		81	Stewart	7	24	29.2%
	59	Meigs	9	8	112.5%		Total		85	167	50.9%
	63	Morgan	36	33	109.1%	24	3	Benton	51	88	58.0%
	73	Roane	154	203	75.9%		9	Carroll	97	117	82.9%
	Total		295	318	92.8%		20	Decatur	14	28	50.0%
10	6	Bradley	135	132	102.3%		36	Hardin	45	46	97.8%
	64	McMinn	102	74	137.8%		40	Henry	108	135	80.0%
	60	Monroe	64	61	104.9%		Total		315	414	76.1%
	70	Polk	7	14	50.0%	25	24	Fayette	38	16	237.5%
	Total		308	281	109.6%		35	Hardeman	47	52	90.4%
11	33	Hamilton	834	1192	70.0%		49	Lauderdale	5	54	9.3%
	Total		834	1192	70.0%		65	McNairy	49	57	86.0%
12	4	Bledsoe	2	11	18.2%		84	Tipton	82	55	149.1%
	26	Franklin	97	129	75.2%		Total		221	234	94.4%
	31	Grundy	21	33	63.6%	26	12	Chester	22	31	71.0%
	56	Marion	43	57	75.4%		39	Henderson	34	85	40.0%
	72	Rhea	54	61	88.5%		55	Madison	309	468	66.0%
	77	Sequatchie	11	15	73.3%		Total		365	584	62.5%
	Total		228	306	74.5%	27	66	Obion	236	392	60.2%
13	14	Clay	0	13	0.0%		92	Weakley	57	103	55.3%
	18	Cumberland	74	72	102.8%		Total		293	495	59.2%
	21	DeKalb	43	87	49.4%	28	17	Crockett	30	41	73.2%
	67	Overton	7	43	16.3%		27	Gibson	116	141	82.3%
	69	Pickett	0	6	0.0%		38	Haywood	29	28	103.6%
	71	Putnam	123	207	59.4%		Total		175	210	83.3%
	93	White	16	63	25.4%	29	23	Dyer	136	194	70.1%
	Total		263	491	53.6%		48	Lake	5	7	71.4%
14	16	Coffee	62	133	46.6%		Total		141	201	70.1%
	Total		62	133	46.6%	30	79	Shelby	1107	805	137.5%
15	44	Jackson	8	13	61.5%		Total		1107	805	137.5%
	56	Macon	43	59	72.9%	31	88	Van Buren	1	2	50.0%
	80	Smith	54	80	67.5%		89	Warren	81	93	87.1%
	85	Trousdale	1	15	6.7%		Total		82	95	86.3%
	95	Wilson	104	229	45.4%	JD Not Given			1368		
	Total		210	396	53.0%	Statewide			12181	14476	84.1%

## CONCLUSION TYPES

Workers' compensation cases may be concluded four different ways in Tennessee:

1. Trial [A complaint is filed, the case does not settle and the case is tried before a judge who determines the outcome of the case. These cases are reported to the AOC by the clerks.]
2. Settlement - Complaint Filed [A complaint is filed, but the parties reach a settlement agreement prior to trial. Such a settlement may be approved by the court or the Department of Labor and Workforce Development. If the Department approves the settlement, the court case must be dismissed by the parties. These cases would then be reported to the AOC when the court clerk closes the file.]
3. Joint Petition Settlement [A complaint is not filed. However, the parties reach an agreed settlement and the agreement is presented to a court for approval. The court requires a petition and an order to be filed. These cases are reported to the AOC.]
4. Settlement Approved by Department of Labor and Workforce Development [The Department has the authority to approve settlements reached in cases in which a complaint has been filed and in cases in which no complaint has been filed. If no complaint has been filed, then this closing information is not forwarded to the AOC. If a complaint has been filed, then the parties must assure the case is dismissed by the court and taken off the court's docket. In these cases, the conclusion will be reported to the AOC.]

Table 2 lists the numbers and percentages of each type of conclusion for the entire state for the past five calendar years, 2000-2004. In 2004, 380 (3.1%) of the cases were resolved by trial. Judicial District 16 (Rutherford and Cannon Counties) and Judicial District 27 (Obion and Weakley Counties) comprise 106 (28%) of all of the trials for 2004. Settlements after a complaint was filed

accounted for 3,246 (26.6%) of the cases and joint petition settlements equaled 3,226 (26.5%) of the cases. The Department approved settlements in 4,616 (37.9%) of the cases, an increase in the number of cases being approved by the Department, but a decrease in the percentage of all of the cases concluded in 2004. Four and one-half percent (4.5%) of the SD-1 forms did not indicate the type of conclusion. A little over one percent (1.3%) of cases were voluntary dismissals. The percentages of each conclusion type are not largely different from those of calendar year 2004 data.

The conclusion type and percentage data from Table 2 are represented graphically in Figure 2. Table 3 lists the number of each type of conclusion by judicial district for 2004 cases.

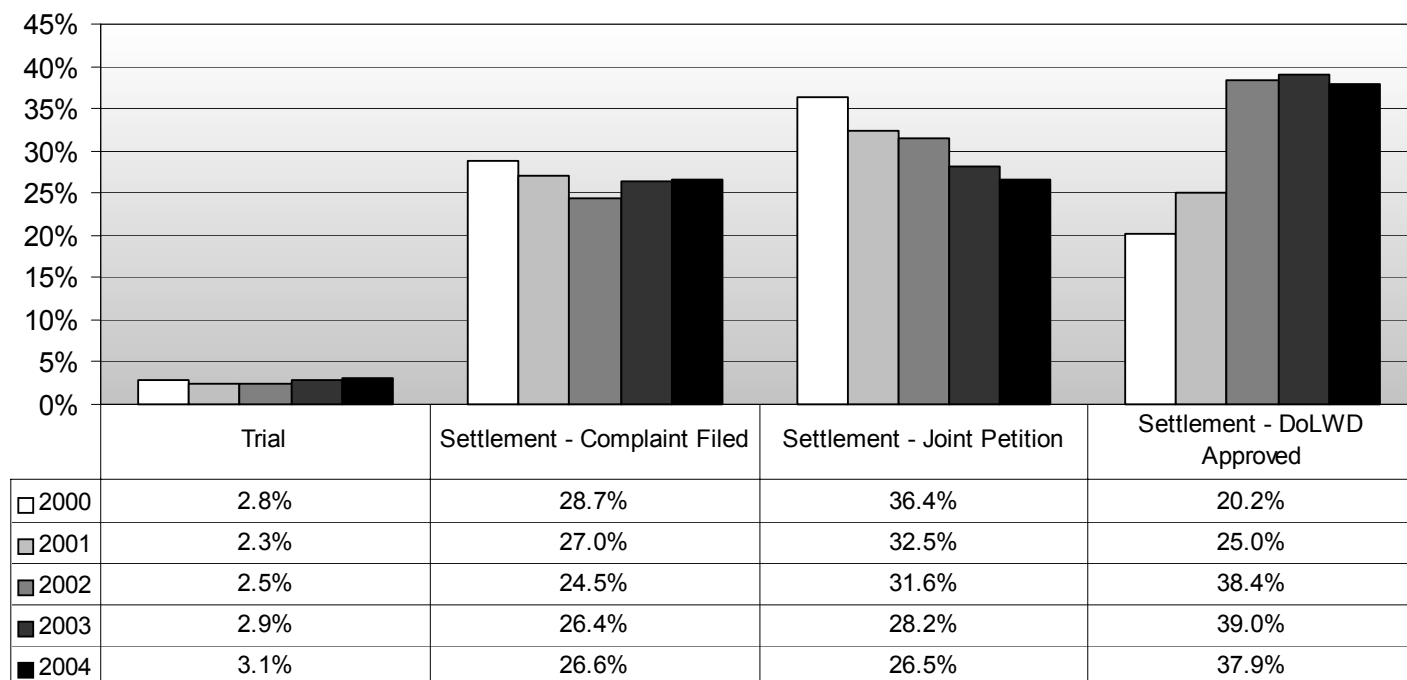
**Table 2: Types of Conclusions**

	CY 2000		CY 2001		CY 2002		CY 2003		CY 2004	
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
<b>Trial</b>	321	2.8%	247	2.3%	243	2.5%	304	2.9%	380	3.1%
<b>Settlement - Complaint Filed</b>	3281	28.7%	2868	27.0%	2417	24.5%	2742	26.4%	3246	26.6%
<b>Settlement - Joint Petition</b>	4163	36.4%	3443	32.5%	3120	31.6%	2931	28.2%	3228	26.5%
<b>Settlement - DoLWD Approved</b>	2303	20.2%	2655	25.0%	3793	38.4%	4053	39.0%	4616	37.9%
<b>Conclusion Type Not Given</b>	1357	11.9%	1392	13.1%	304	3.1%	196	1.9%	553	4.5%
<b>Voluntary Dismissal</b>	n/c		n/c		n/c		168	1.6%	158	1.3%
<b>Total</b>	11425		10605		9877		10394		12181	

n/c = not captured



**Figure 1: Types of Conclusions**



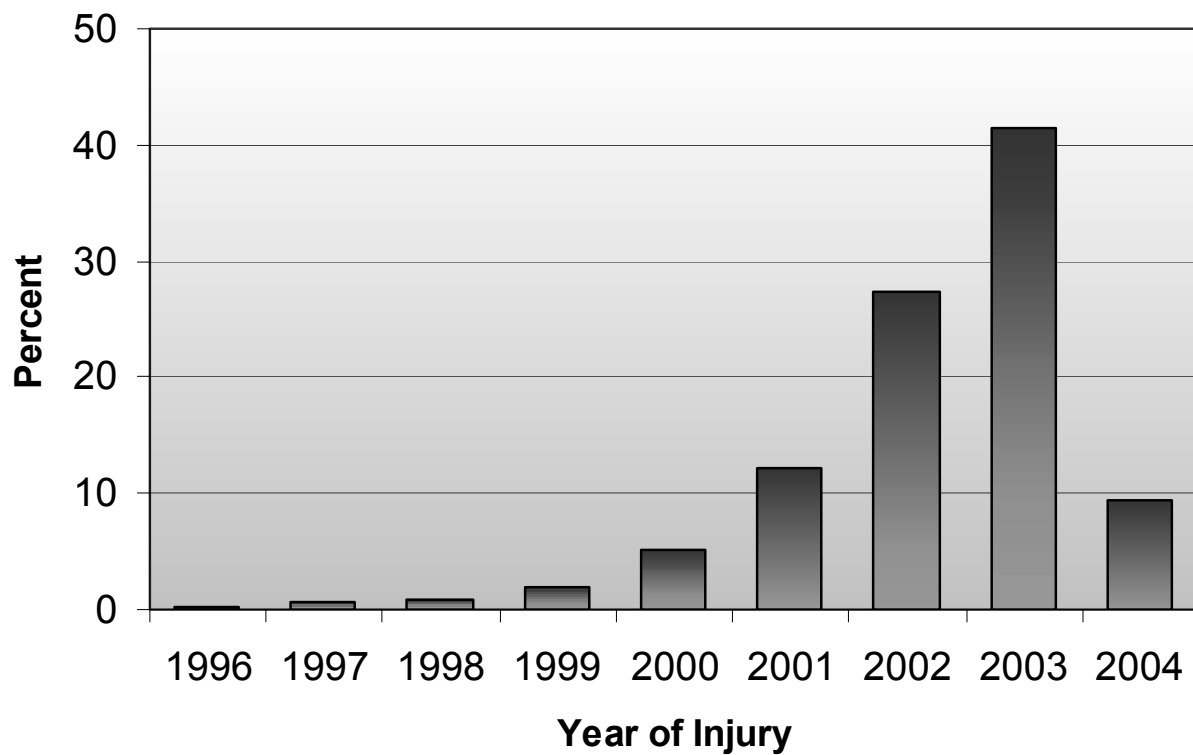
**Table 3: Calendar Year - 2004: Types of Conclusions**

Judicial District	Trial	Settlement - Complaint Filed	Settlement - Joint Petition	Settlement - DoLWD Approved	Voluntary Dismissal	Conclusion Type Not Given	Total
1	6	33	7	274	3	4	327
2	1	19	8	172	1		201
3	4	44	50	251	14	4	367
4	10	50	10	237	15	4	326
5	2	29	9	114	6		160
6	15	149	90	463	8	13	738
7	18	182	80	89	3	5	377
8	9	89	5	117	3	8	231
9	12	116	16	138	9	3	294
10	10	124	50	89	5	3	281
11	19	247	415	135	7	13	836
12	12	114	26	70	3	2	227
13	16	137	48	53	5	6	265
14	5	28	7	17	1	4	62
15	14	137	17	34	1	3	206
16	51	226	228	38	3	8	554
17	4	58	20	41		2	125
18	6	63	24	33	2	3	131
19	9	113	31	46		4	203
20	19	334	1210	125	28	45	1761
21	5	33	15	41		4	98
22	5	88	60	61	4	13	231
23	2	35	10	35	1		83
24	26	112	15	151		11	315
25	4	42	9	187	1	3	246
26	14	119	60	157	7	9	366
27	55	145	38	38	3	14	293
28	8	49	3	111		4	175
29	5	56	20	55	3	2	141
30	3	78	74	918	14	24	1111
31	6	53	19	3		1	82
JD Not Given	5	144	554	323	8	334	1368
Statewide	380	3246	3228	4616	158	553	12181
Percent	3.1%	26.6%	26.5%	37.9%	1.3%	4.5%	

## CASE LENGTH

Figure 2 displays the frequencies of cases closed in 2004 by the year of injury. 86% of the cases are closed within three years, 68% within two years and 30% within one year of the date of injury. These numbers are consistent with previously reported data.

**Figure 2: Calendar Year - 2004: Number of Cases Closed by Injury Year**



## DATE OF INJURY TO DATE OF CONCLUSION

The average number of weeks from the date of injury to the date of settlement approval or date of trial in 2004 is listed by judicial district as well as for all of Tennessee in Table 4. The mean number of weeks from injury to conclusion is 94.4 weeks and ranges from 77.1 weeks in Judicial District 20 to 132.6 weeks in Judicial District 7<sup>8</sup>. The mean number of weeks from injury to conclusion increased from 83.8 weeks in 2000 to 94.4 weeks in 2004. The median number of weeks from the date of injury to the date of conclusion is also given in Table 4 and in many tables throughout this report. A median is the value of the middle item when data are arranged in order of size and are not as susceptible to extreme values in a distribution. Figure 3 displays the number of weeks from injury to conclusion by injury year and conclusion type. For 2004 cases, all conclusion types are taking longer except joint petition settlements. Settlements where a complaint has been filed are up from 97 weeks in 2000 to 126 weeks in 2004. Joint petition settlements are up from 52 weeks in 2000 to 72 weeks in 2003 and remained there for 2004, and Department approved settlements are up from 64 weeks in 2000 to 85 weeks in 2004. When settlements that are approved by the Department are divided by whether a complaint was filed, differences emerge between the groups. The mean number of weeks from injury to conclusion for Department approved settlements when a complaint was filed is 114.1 weeks compared to 62.5 weeks when a complaint was not filed.

## DATE OF INJURY TO MAXIMUM MEDICAL IMPROVEMENT

Table 5 displays the average number of weeks from the date of injury to the date of maximum medical improvement (MMI). The mean number of weeks from the date of injury to the date of MMI for calendar year 2004 is 45.9 weeks. The data ranges from 40.2 weeks in Judicial District 26 to 61.9 weeks in Judicial District 12. The mean number of weeks from the date of injury to the date of MMI is increasing over time from 41.6 in 2000 to 45.9 in 2004<sup>9</sup>.

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<sup>8</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test

<sup>9</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test

Figure 4 displays date of injury to date of MMI data broken up by conclusion type and year of conclusion. For all conclusion types, the amount of time from injury to MMI is increasing from 2000 to 2004. For cases that were tried by a court, the time from injury to MMI is nearly 58 weeks, for settlements where a complaint has been filed, 55 weeks, for joint petition settlements, 41 weeks and for Department approved settlements, nearly 43 weeks. When separated by whether a complaint was filed, Department approved settlements averaged 49.8 weeks from injury to MMI when a complaint was filed and 37.4 weeks when no complaint was filed.

#### MAXIMUM MEDICAL IMPROVEMENT TO DATE OF CONCLUSION

Table 6 lists the average number of weeks from MMI to conclusion for each judicial district as well as statewide for cases concluding in 2004. The mean number of weeks from MMI to conclusion is 44.4 weeks. The data ranges from 33.6 weeks in Judicial District 20 to 70.1 in Judicial District 19<sup>10</sup>. The mean number of weeks from MMI to conclusion was virtually constant from 2000 to 2002, then increased by 2.5 weeks in 2003 and another 3.2 weeks in 2004. In 2004, it took an average of 79.7 weeks for a case to go to trial after MMI had been reached. In other words, according to the data, after an injured worker has reached MMI the number of weeks until the claim is concluded has increased each year since 2000.<sup>11</sup> This is occurring despite the requirement by Department regulations that an employee must receive a written offer of settlement within 30 days of reaching MMI during this time, the injured employee receives no workers compensation disability benefits if he/she is unable to return to gainful employment. Figure 5 displays the mean number of weeks from MMI to conclusion. When compared to 2003, all conclusion types are taking longer. For Department approved settlements when a complaint has been filed, the mean number of weeks from MMI to conclusion is 62.2 weeks. The mean number of weeks from MMI to conclusion for Department approved settlements when a complaint was not filed is 25.8 weeks.

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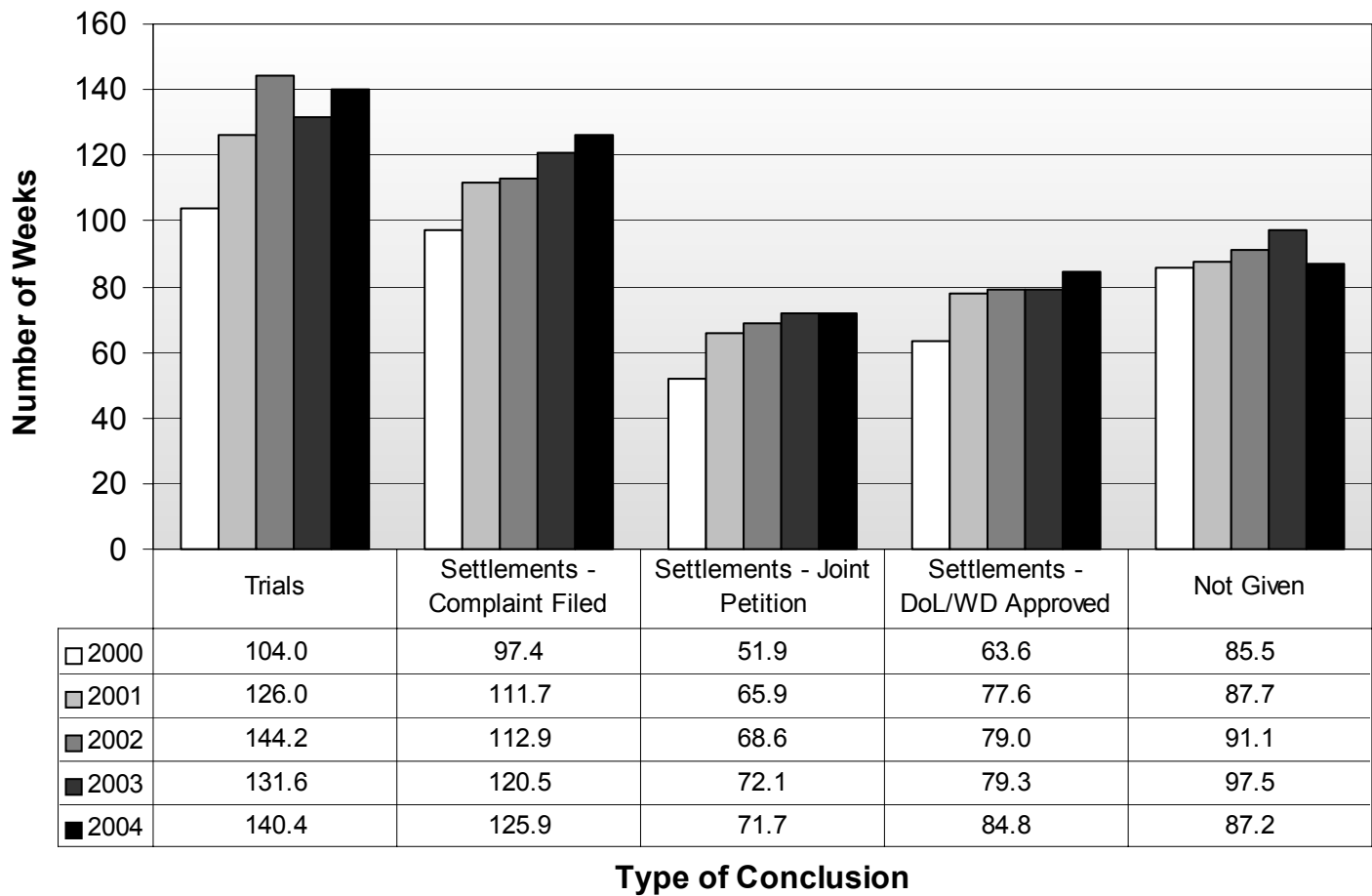
<sup>10</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test

<sup>11</sup> This amount of time (73.4 weeks) is roughly equivalent to a 20% PPD judgment to the body as a whole, which is what the average body as a whole return to work judgment/settlement is.

**Table 4: Calendar Year - 2004: Number of Weeks From Date of Injury to Date of Conclusion**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	325	91.8	78.3	61.6
2	199	102.3	80.4	81.0
3	367	90.8	76.0	65.5
4	326	93.5	76.8	68.5
5	160	106.5	82.1	83.8
6	736	97.1	76.1	76.3
7	366	132.6	100.1	109.6
8	229	120.3	107.1	78.5
9	290	129.8	93.6	112.8
10	281	110.5	97.0	69.1
11	836	99.7	81.1	71.5
12	227	111.0	102.1	62.4
13	265	108.2	93.1	64.8
14	62	100.7	93.1	51.3
15	206	101.6	82.6	66.8
16	552	95.9	82.1	61.4
17	125	97.4	83.9	63.4
18	131	103.9	91.4	56.5
19	203	118.3	104.1	71.5
20	1755	77.1	62.6	53.2
21	98	105.5	93.3	71.0
22	231	109.7	94.7	70.1
23	83	106.8	96.1	56.6
24	315	92.8	82.3	49.8
25	246	88.0	73.6	57.6
26	366	96.4	78.8	63.4
27	293	118.2	101.6	71.5
28	173	94.4	83.0	61.8
29	141	88.3	74.0	55.8
30	1107	87.5	70.4	60.2
31	81	117.4	97.3	73.8
Not Given	1364	70.6	55.1	53.4
Statewide	12139	94.4	76.3	68.6
CY2003	9921	90.7	72.4	69.7
CY2002	9826	85.7	71.6	59.6
CY2001	10566	85.4	69.9	59.4
CY2000	11330	83.8	69.0	57.5

**Figure 3: Number of Weeks From Date of Injury to Date of Conclusion By Conclusion Type**

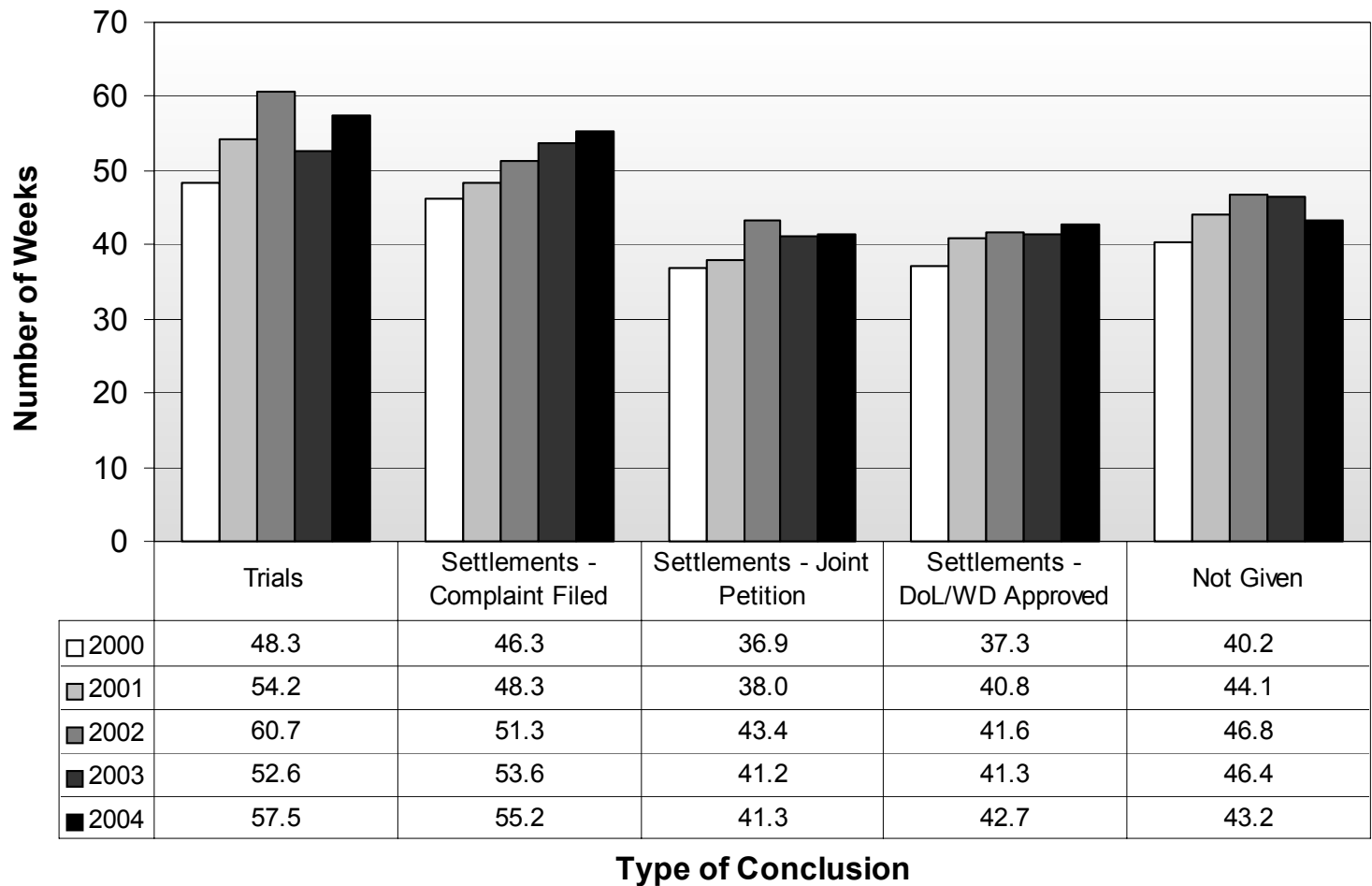


**Table 5: Calendar Year - 2004: Number of Weeks From Date of Injury to Maximum Medical Improvement**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	288	43.3	33.9	34.8
2	177	49.4	37.3	42.0
3	308	46.5	34.9	47.9
4	274	42.6	30.1	36.6
5	138	54.6	39.1	46.6
6	587	46.4	33.1	45.7
7	246	53.2	37.4	46.2
8	187	54.2	38.0	48.2
9	190	50.6	40.4	50.0
10	216	57.8	44.6	48.1
11	714	55.8	41.3	51.0
12	184	61.9	46.3	47.4
13	210	48.8	31.6	46.0
14	53	53.2	46.3	37.2
15	154	41.9	35.3	34.9
16	455	45.4	37.0	34.0
17	97	49.7	38.0	37.6
18	95	48.7	35.3	42.9
19	161	41.2	32.6	29.1
20	1422	40.4	30.7	34.2
21	80	50.2	37.1	38.9
22	178	53.8	38.9	50.9
23	70	44.4	33.8	34.7
24	289	43.4	33.7	37.4
25	219	43.3	33.9	35.5
26	323	40.2	32.7	30.5
27	243	54.9	42.4	41.8
28	152	48.9	37.1	44.3
29	123	45.2	31.7	42.1
30	1009	40.6	30.4	36.3
31	62	56.6	45.9	40.9
JD Not Given	1162	40.3	30.9	34.0
Statewide	10066	45.9	34.4	40.5
CY2003	8415	44.7	33.7	38.8
CY2002	8143	44.0	33.9	36.9
CY2001	8245	42.5	32.9	35.7
CY2000	8836	41.6	31.4	35.8



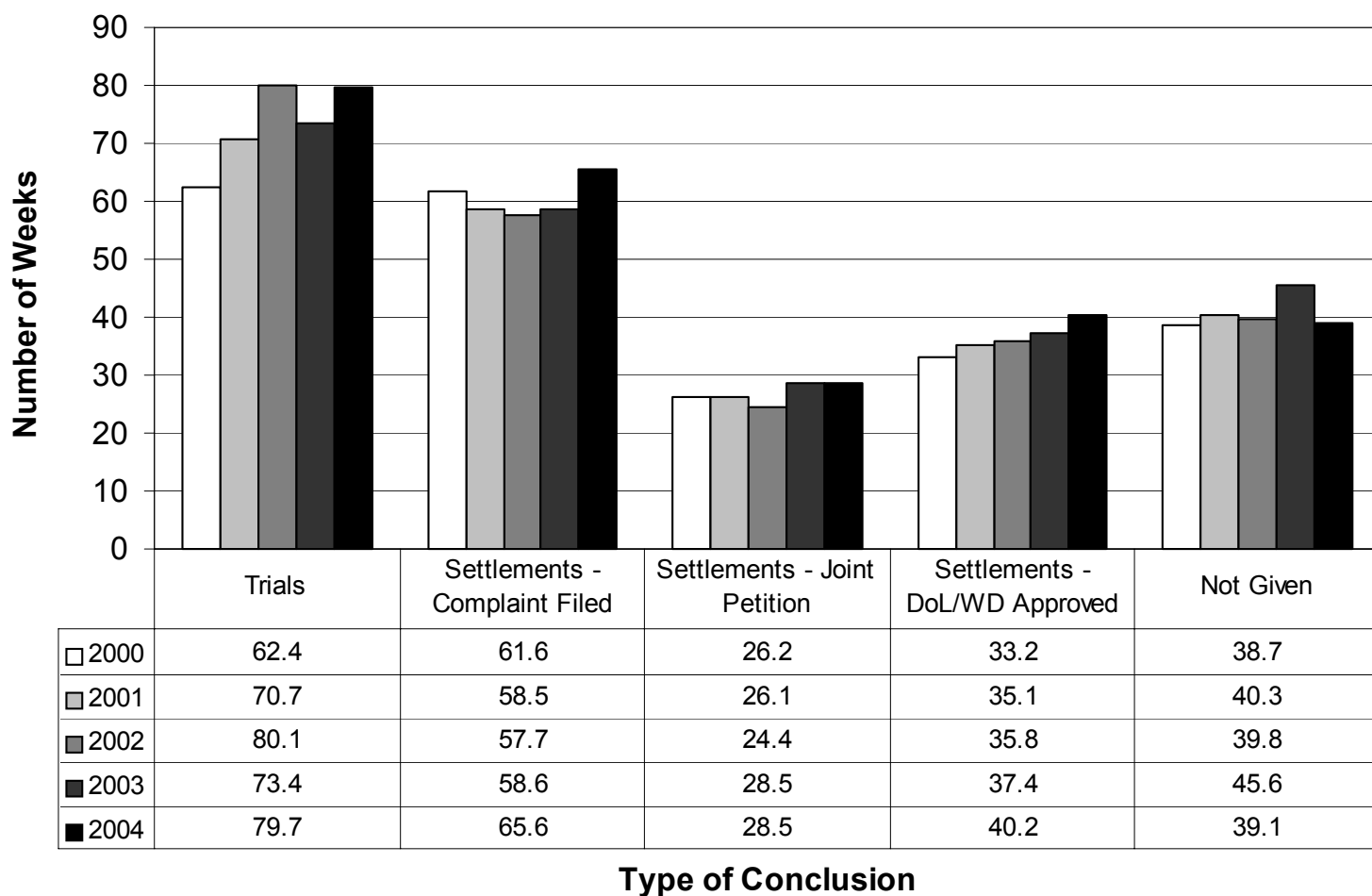
**Figure 4: Number of Weeks From Date of Injury to Maximum Medical Improvement by Conclusion Type**



**Table 6: Calendar Year - 2004: Number of Weeks From Maximum Medical Improvement to Date of Conclusion**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	284	48.4	29.0	55.5
2	174	45.3	27.0	53.6
3	309	43.1	26.9	46.6
4	274	47.0	33.1	45.4
5	138	45.4	26.6	57.2
6	586	44.3	27.8	48.3
7	248	60.1	41.2	65.1
8	188	66.4	47.5	70.1
9	190	46.4	28.4	49.3
10	217	49.2	34.1	45.7
11	715	43.3	26.4	45.8
12	181	48.2	30.4	48.6
13	210	56.3	42.2	46.0
14	52	43.7	29.7	38.9
15	164	57.8	47.5	44.8
16	457	48.2	32.9	47.8
17	96	42.6	29.1	41.1
18	97	51.7	41.6	39.3
19	162	70.1	51.1	63.9
20	1428	33.6	22.3	35.7
21	79	56.5	38.3	55.1
22	178	51.3	35.7	44.2
23	70	59.6	49.9	49.3
24	288	48.3	37.1	37.7
25	219	44.2	28.4	49.2
26	318	52.2	35.1	53.3
27	244	54.5	43.5	48.4
28	150	43.9	32.6	37.5
29	123	42.5	30.1	35.6
30	1013	46.6	28.9	50.1
31	63	54.8	38.7	67.3
JD Not Given	1164	28.7	19.0	31.9
Statewide	10079	44.4	28.7	47.0
CY2003	8074	41.2	27.3	50.4
CY2002	8201	38.7	25.7	39.6
CY2001	8282	38.9	25.4	40.9
CY2000	8809	38.6	26.0	39.7

**Figure 5: Number of Weeks From Maximum Medical Improvement to Date of Conclusion by Conclusion Type**



## DEMOGRAPHICS

### AVERAGE AGE

The mean age for workers involved in workers' compensation cases in Tennessee that were concluded in 2004 is 43.2 years and ranges from 39.4 years in Judicial District 29 to 48.7 years in Judicial District 7. Table 7 lists the average ages for all judicial districts as well as for the entire state. The average age of injured workers from 2000 to 2004 has increased from 41.5 to 43.2.

Figure 6 displays the distribution of ages for workers involved in Tennessee workers' compensation cases concluding in 2004. To limit the effects of potential errors in the data base, ages included in the analysis are limited to those over 14 years and less than 90 years.<sup>12</sup>

### LEVEL OF EDUCATION

The education levels of injured workers in Tennessee for cases concluding in 2004 are displayed in Table 8. Almost 19% of workers have less than a high school education, 58% have a high school education or equivalent and just over 23% have more than a high school education. These numbers are similar to previous data for Tennessee.

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<sup>12</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test

## WEEKLY COMPENSATION RATE

Table 9 lists the average weekly compensation rates for each judicial district as well as for the entire state. Mean compensation rates for cases concluded in 2004 range from \$309.52 in Judicial District 4 to \$464.05 a week in Judicial District 16, with a statewide mean of \$367.77. Differences between judicial districts are statistically significant.<sup>13</sup> Possible differences in wages between districts could be from industry mix and/or cost of living. Mean weekly compensation rates have increased steadily from \$319.10 for 2000 cases to \$367.77 for 2004 cases, which is a rate of 3% to 4% per year.<sup>14</sup> Weekly compensation benefits are capped at 100% of the average weekly wage in Tennessee. For cases concluding in 2004, 11.4% of injured workers received benefits at the maximum compensation rate. In 2003, 15.0% were at the maximum compensation rate, 14.4% in 2002, 15.0% in 2001 and 15.9% in 2000. The distribution of weekly compensation rates is displayed in Figure 7.

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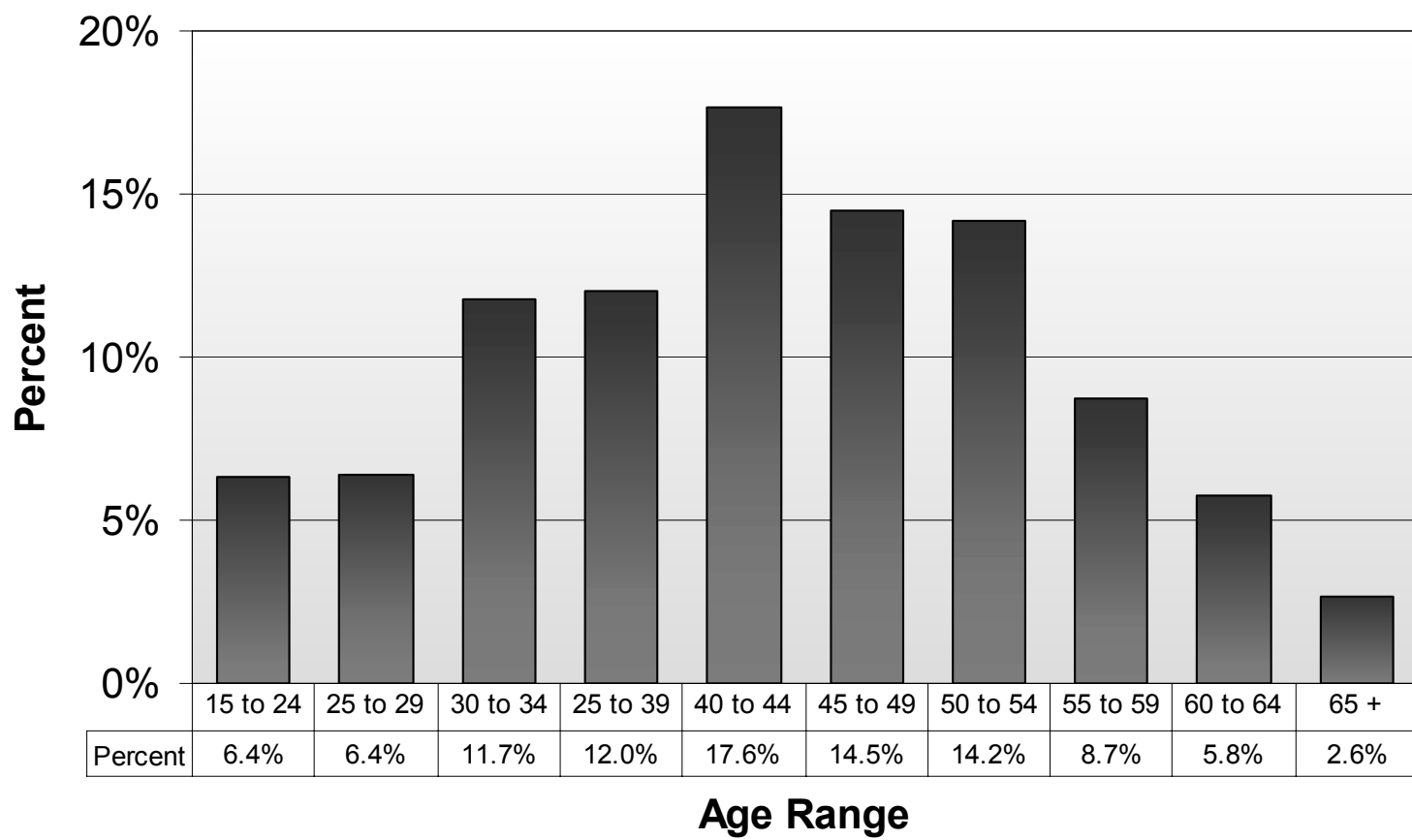
<sup>13</sup>  $p < .01$  Kruskal Wallis Test

<sup>14</sup> For injuries occurring in the cases analyzed, the SAWW (state average weekly wage) increased 4.4% from 7/1/97 to 6/30/98, 4.8% from 7/1/98 to 6/30/99, 3.7% from 7/1/99 to 6/30/00, 3.2% from 7/1/00 to 6/30/01, 3.0% from 7/1/01 to 6/30/02, 3.1% from 7/1/02 to 6/30/03 and 3.2% from 7/1/03 to 6/30/04.

**Table 7: Calendar Year - 2004: Age at Date of Injury**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	152	42.8	44.0	10.8
2	111	42.1	43.0	10.7
3	211	42.8	42.0	12.5
4	173	44.2	43.0	12.0
5	91	44.9	47.0	12.7
6	373	45.1	45.0	11.5
7	207	48.7	50.0	12.4
8	134	39.8	38.5	10.6
9	152	47.1	50.0	12.2
10	160	42.4	43.0	11.2
11	522	43.4	44.0	12.0
12	140	41.9	41.0	10.3
13	147	43.9	44.0	11.2
14	29	41.8	42.0	13.4
15	117	44.4	44.0	9.9
16	280	43.0	43.0	9.9
17	76	42.9	41.0	10.0
18	69	41.4	42.0	11.2
19	116	40.5	41.0	11.8
20	976	42.9	43.0	11.2
21	46	42.8	41.0	10.7
22	132	44.7	45.0	11.6
23	37	40.8	40.0	10.2
24	140	42.0	40.0	11.4
25	129	42.5	43.0	11.1
26	184	42.0	42.0	11.9
27	117	44.3	44.0	9.8
28	95	44.2	44.0	10.5
29	68	39.4	40.0	11.5
30	599	42.4	43.0	11.6
31	38	42.6	43.0	11.6
JD Not Given	818	43.0	43.0	11.6
<b>Statewide</b>	<b>6639</b>	<b>43.2</b>	<b>43.0</b>	<b>11.5</b>
CY2003	5839	42.9	43.0	11.3
CY2002	6411	41.8	42.0	11.1
CY2001	7302	41.6	41.0	11.3
CY2000	7791	41.5	41.0	11.0

**Figure 6: Calendar Year - 2004: Distribution - Age at Date of Injury**



**Table 8: Calendar Year - 2004: Employee's Education Level**

Judicial District	Less Than High School		High School		More Than High School	
	N	Percent	N	Percent	N	Percent
1	64	22.9	149	53.2	67	23.9
2	33	19.0	95	54.6	46	26.4
3	60	20.3	182	61.5	54	18.2
4	61	22.8	151	56.6	55	20.6
5	23	18.0	75	58.6	30	23.4
6	92	16.3	293	51.8	181	32.0
7	40	12.4	227	70.3	56	17.3
8	49	27.8	93	52.8	34	19.3
9	39	17.1	144	63.2	45	19.7
10	39	18.2	126	58.9	49	22.9
11	116	19.2	321	53.1	168	27.8
12	38	23.2	92	56.1	34	20.7
13	53	26.9	111	56.3	33	16.8
14	9	20.0	25	55.6	11	24.4
15	45	26.8	100	59.5	23	13.7
16	66	17.6	220	58.7	89	23.7
17	32	36.0	47	52.8	10	11.2
18	26	27.1	59	61.5	11	11.5
19	29	18.7	97	62.6	29	18.7
20	200	17.6	637	55.9	302	26.5
21	19	25.0	37	48.7	20	26.3
22	40	24.8	87	54.0	34	21.1
23	15	24.6	35	57.4	11	18.0
24	53	19.7	176	65.4	40	14.9
25	47	22.5	130	62.2	32	15.3
26	41	13.9	184	62.2	71	24.0
27	29	22.3	78	60.0	23	17.7
28	38	24.4	88	56.4	30	19.2
29	23	22.1	62	59.6	19	18.3
30	119	13.0	519	56.5	280	30.5
31	13	25.5	31	60.8	7	13.7
JD Not Given	150	15.2	627	63.5	211	21.4
Statewide	1701	18.7	757	58.2	2105	23.1
2000 Census Data:		24.1		56.3		19.6



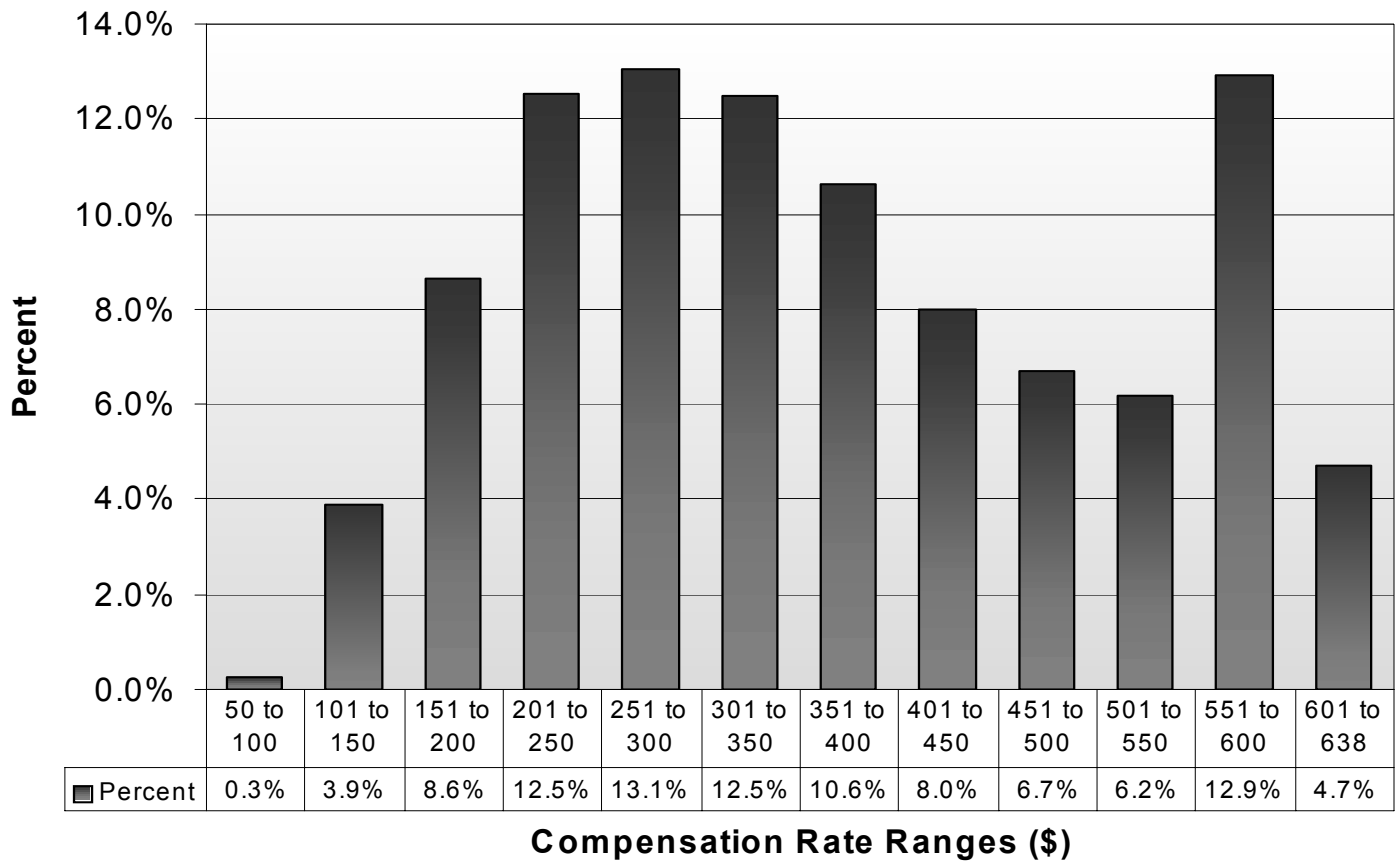
**Table 9: Calendar Year - 2004: Weekly Compensation Rate**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	314	\$325.74	\$301.48	\$135.19
2	189	\$341.92	\$311.45	\$144.14
3	354	\$340.38	\$316.15	\$135.05
4	313	\$309.52	\$275.55	\$134.77
5	153	\$356.20	\$326.41	\$150.78
6	704	\$360.81	\$344.56	\$151.49
7	359	\$416.46	\$413.75	\$152.66
8	219	\$313.90	\$285.74	\$134.47
9	285	\$383.63	\$367.29	\$158.36
10	266	\$350.10	\$332.54	\$134.02
11	810	\$340.41	\$319.12	\$137.02
12	212	\$351.52	\$332.09	\$136.72
13	246	\$330.11	\$304.99	\$121.57
14	60	\$360.06	\$335.16	\$168.76
15	195	\$405.54	\$413.71	\$139.84
16	538	\$464.05	\$520.24	\$148.45
17	121	\$361.79	\$343.47	\$120.92
18	123	\$376.26	\$353.35	\$130.38
19	191	\$325.99	\$311.45	\$125.41
20	1689	\$380.82	\$361.91	\$141.07
21	95	\$361.50	\$312.82	\$148.47
22	221	\$391.69	\$369.02	\$148.65
23	80	\$349.78	\$351.87	\$132.40
24	310	\$321.61	\$293.84	\$126.84
25	240	\$359.15	\$345.39	\$131.34
26	352	\$334.37	\$326.46	\$132.67
27	289	\$409.30	\$393.99	\$145.90
28	170	\$319.54	\$307.53	\$110.23
29	137	\$342.51	\$332.41	\$126.45
30	1066	\$378.43	\$367.28	\$149.25
31	71	\$353.16	\$343.82	\$133.42
JD Not Given	1314	\$385.42	\$372.29	\$149.44
Statewide	11686	\$367.77	\$346.67	\$145.56
CY2003	10062	\$355.60	\$336.16	\$142.86
CY2002	9580	\$342.07	\$322.28	\$136.37
CY2001	10251	\$331.32	\$312.79	\$132.46
CY2000	11050	\$319.10	\$302.05	\$127.21

**Maximum Weekly Benefit**

8/1/92 - 6/30/93 \$318.24  
7/1/93 - 6/30/94 \$355.97  
7/1/94 - 6/30/95 \$382.79  
7/1/95 - 6/30/96 \$415.87  
7/1/96 - 6/30/97 \$453.14  
7/1/97 - 6/30/98 \$492.00  
7/1/98 - 6/30/99 \$515.00  
7/1/99 - 6/30/00 \$541.00  
7/1/00 - 6/30/01 \$562.00  
7/1/01 - 6/30/02 \$581.00  
7/1/02 - 6/30/03 \$599.00  
7/1/03 - 6/30/04 \$618.00  
7/1/04 - 6/30/05 \$638.00

**Figure 7: Calendar Year - 2004: Weekly Compensation Rate Distribution**



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## TEMPORARY TOTAL DISABILITY

### NUMBER OF WEEKS

Table 10 lists the average number of weeks of Temporary Total Disability (TTD) benefits that were paid for 2004 cases.<sup>15</sup> The number of weeks of TTD benefits was calculated from SD-1 data by identifying the total monetary amount of TTD benefits reported as paid and dividing by the injured workers reported weekly compensation rate. It is the average of the calculated number of weeks of TTD benefits that Table 17 reports. *It is also important to note that this data includes all injury types and severities.* The mean number of weeks of TTD benefits ranges from 16.2 in Judicial District 25 to 29.1 in Judicial District 10, with a statewide mean of 22.2 weeks. Differences between judicial districts are statistically significant.<sup>16</sup> Potential reasons for the differences in TTD duration could be due to differences in area doctors, employer return to work policies, attorneys and injury mix. The mean duration of TTD benefits being paid has increased from 18.2 to 22.2 in the past five years. Figure 8 displays the distribution of TTD duration in weeks for cases concluding in 2004.

### MONETARY AMOUNTS

The average amount of TTD benefits paid in 2004 are listed in Table 11. Unlike the number of weeks of TTD benefits, the TTD amount is directly affected by a workers' weekly compensation rate. The data ranges from a mean of \$4,920.85 in Judicial District 29 to \$11,034.54 in Judicial District 12 with a statewide mean of \$7,2753.45. Differences between judicial districts are statistically significant.<sup>17</sup> The reasons for the differences between judicial districts would be the same as for TTD duration with the addition of differences in wages. Mean TTD benefit amounts have risen from \$6,116.74 for 2000 cases to \$7,753.45 for 2004 cases. The increase was 7.8% from 2000 to 2001, 4.4% from 2001 to 2002, 5.8% from 2002 to 2003 and 6.5% from 2003 to 2004. Figure 9 displays the distribution of TTD benefit amounts for cases concluding in 2004. TTD benefit information was not reported for 4,383 cases.

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<sup>15</sup> An injured worker ceases to receive TTD benefits when he/she either returns to work or reaches MMI.

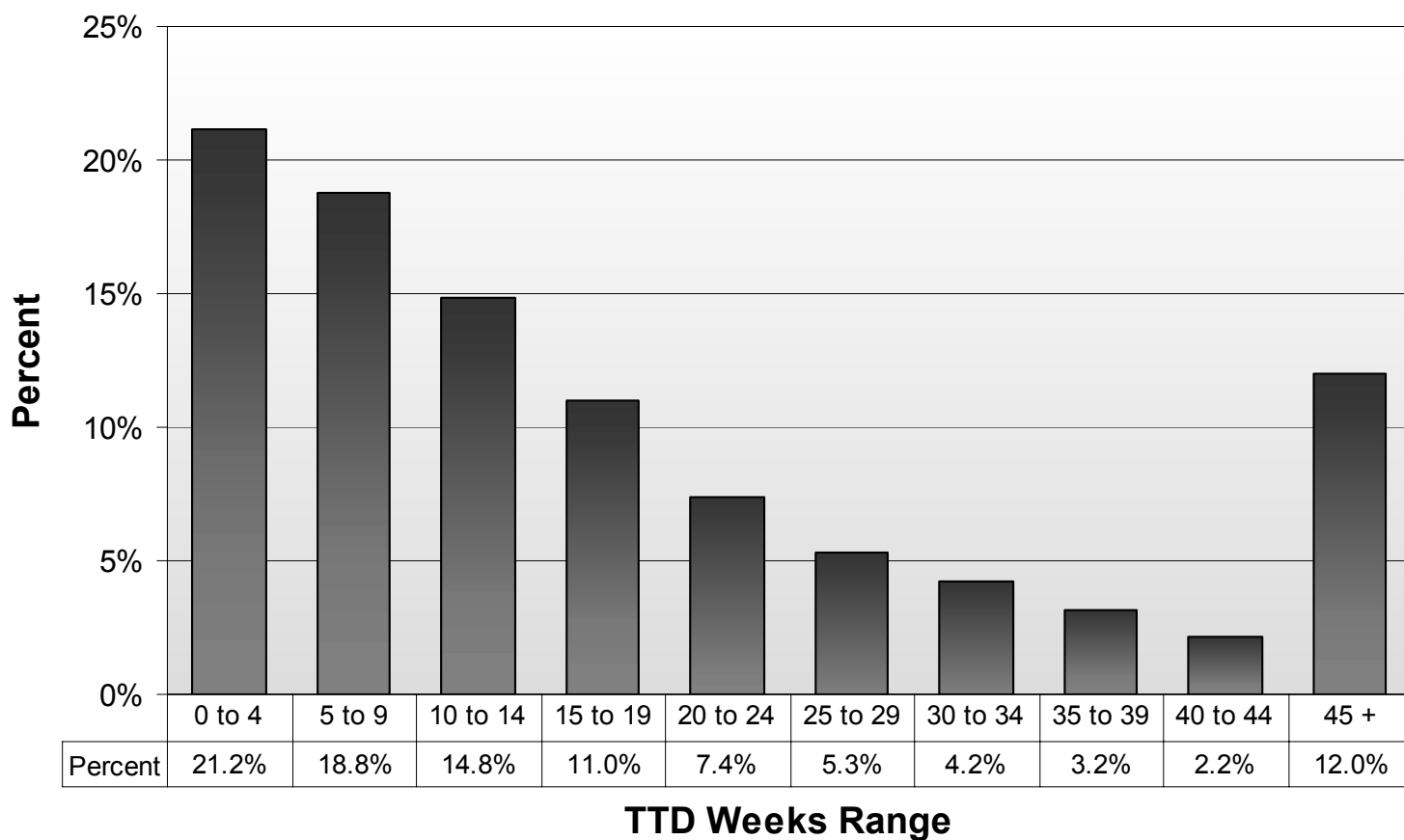
<sup>16</sup>  $p < .01$  Kruskal Wallis Test

<sup>17</sup>  $p < .01$  Kruskal Wallis Test

**Table 10: Calendar Year - 2004: Temporary Total Disability Benefits - Number of Weeks**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	184	24.1	14.0	30.7
2	122	33.3	15.4	62.6
3	208	23.5	13.4	30.4
4	211	23.7	14.4	33.5
5	107	27.7	15.9	33.2
6	413	25.0	14.3	35.3
7	183	22.2	12.2	26.5
8	146	25.3	15.4	27.1
9	153	25.0	16.1	31.8
10	178	29.1	16.0	40.7
11	559	27.8	15.0	44.0
12	140	33.1	16.2	65.1
13	164	27.4	15.6	32.9
14	42	21.6	13.5	22.2
15	104	20.7	13.1	32.4
16	405	20.3	13.0	21.3
17	78	25.4	14.6	31.5
18	67	18.8	8.6	24.5
19	114	18.6	11.3	21.9
20	1182	20.0	12.2	29.4
21	70	26.1	15.8	31.2
22	137	28.8	16.0	32.2
23	52	24.9	14.3	33.0
24	183	19.9	13.7	24.4
25	155	16.2	11.8	16.6
26	210	16.3	10.0	18.4
27	161	22.0	12.0	29.7
28	92	19.1	11.3	21.2
29	75	14.9	10.0	14.7
30	764	19.5	12.2	25.2
31	34	18.9	8.2	26.2
JD Not Give	902	18.8	12.1	23.4
<b>Statewide</b>	<b>7595</b>	<b>22.2</b>	<b>13.1</b>	<b>31.5</b>
CY2003	6707	20.8	13.1	25.3
CY2002	6603	20.9	13.3	26.8
CY2001	6970	18.3	12.3	18.0
CY2000	7579	18.2	12.6	17.7

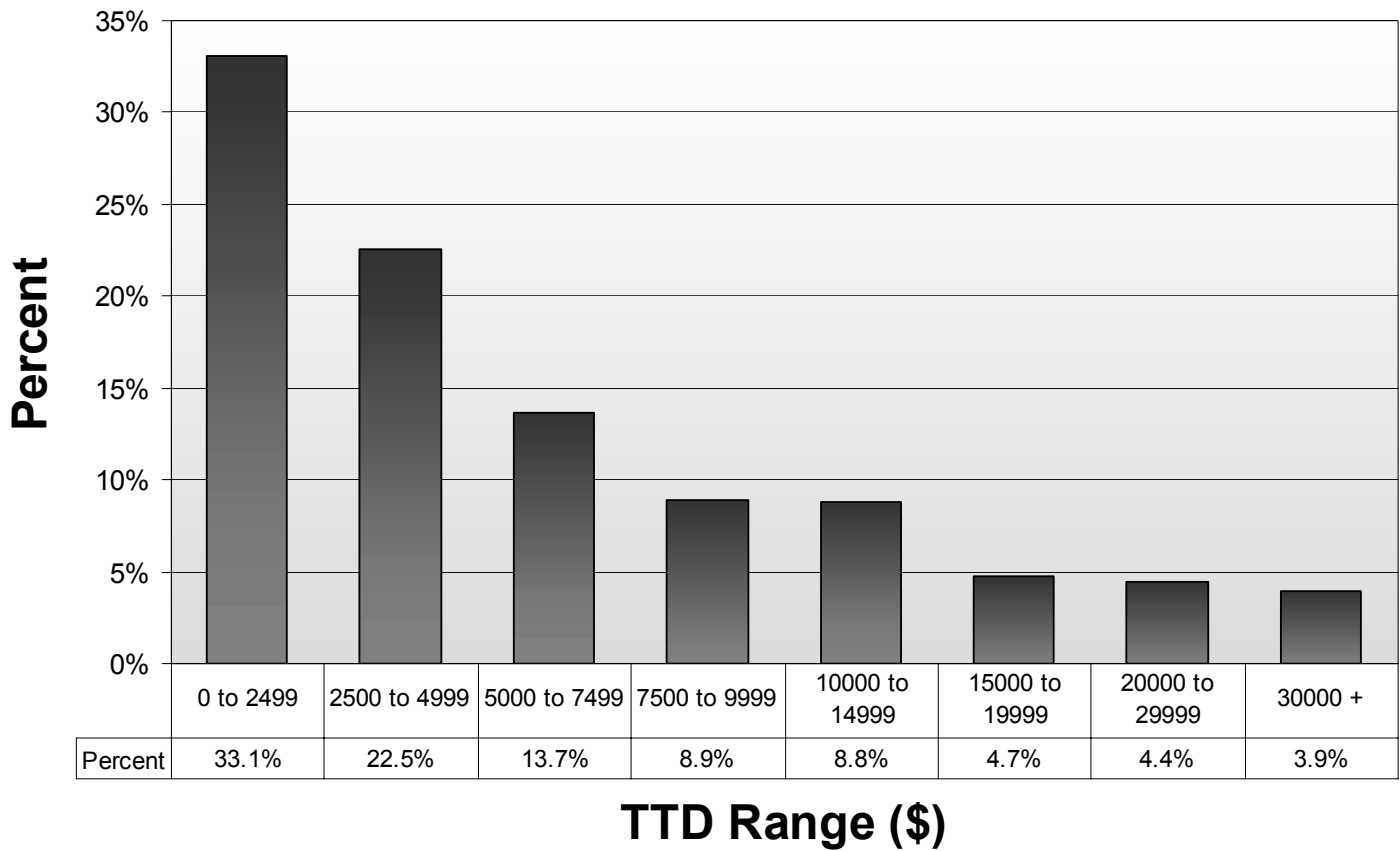
**Figure 8: Calendar Year - 2004: Temporary Total Disability Distribution - Number of Weeks**



**Table 11: Calendar Year - 2004: Temporary Total Disability - Monetary Benefits**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	189	\$6,806.63	\$4,000.20	\$8,596.79
2	127	\$10,026.89	\$4,923.24	\$19,687.29
3	213	\$7,382.17	\$3,840.16	\$9,399.56
4	217	\$7,622.42	\$3,840.10	\$11,366.84
5	109	\$9,962.17	\$5,002.50	\$15,190.91
6	424	\$8,414.39	\$4,531.80	\$15,201.34
7	188	\$7,582.61	\$5,126.22	\$7,951.12
8	150	\$8,114.71	\$4,201.38	\$10,639.05
9	154	\$8,538.71	\$4,990.86	\$11,308.52
10	184	\$9,161.87	\$4,689.01	\$12,807.35
11	572	\$8,979.50	\$4,393.69	\$12,406.77
12	145	\$11,034.54	\$5,378.80	\$23,278.36
13	171	\$8,977.43	\$4,488.81	\$13,262.96
14	44	\$6,070.14	\$4,009.91	\$6,875.83
15	107	\$7,855.94	\$4,742.76	\$16,939.34
16	413	\$9,207.77	\$5,920.30	\$9,819.82
17	80	\$8,827.77	\$4,682.20	\$12,792.92
18	68	\$7,580.94	\$3,422.85	\$11,306.96
19	119	\$6,053.28	\$3,592.82	\$7,366.00
20	1216	\$7,140.42	\$3,958.35	\$10,519.03
21	72	\$8,536.29	\$4,852.96	\$10,861.28
22	139	\$10,650.52	\$5,875.08	\$13,481.88
23	54	\$8,535.69	\$5,387.36	\$10,150.12
24	185	\$6,493.92	\$4,079.84	\$9,788.36
25	158	\$5,987.70	\$3,788.83	\$7,280.76
26	218	\$5,399.24	\$2,970.77	\$6,625.21
27	163	\$9,259.04	\$4,792.00	\$11,850.72
28	93	\$5,844.47	\$3,259.71	\$7,533.35
29	77	\$4,920.85	\$3,127.88	\$5,866.02
30	783	\$6,945.81	\$3,967.60	\$10,296.66
31	38	\$6,041.83	\$2,615.36	\$8,993.23
JD Not Given	928	\$7,102.43	\$3,991.67	\$10,779.22
Statewide	7798	\$7,753.45	\$4,278.78	\$11,612.67
CY2003	6807	\$7,282.93	\$4,200.33	\$10,208.67
CY2002	6664	\$6,885.68	\$4,114.30	\$9,264.46
CY2001	7192	\$6,594.42	\$3,817.40	\$9,170.98
CY2000	7802	\$6,116.74	\$3,679.29	\$7,922.03

**Figure 9: Calendar Year - 2004: Temporary Total Disability Distribution - Monetary Amounts**



## MEDICAL INFORMATION

### BENEFITS/EXPENSES

Table 12 lists the average amount of medical benefits paid for cases closed in 2004. *Like the TTD data, this includes all types of injuries and severities.* The statewide mean for medical benefits paid is \$19,850.35 with a range of \$14,066.546 in Judicial District 26 to \$23,819.35 in Judicial District 17.<sup>18</sup> It should be noted that the medical data reported may include money paid to close out medical benefits in lump sum settlements. Paid medical benefits/expenses for permanent disability cases have increased 6% to 7% per year from 2000 to 2003 and 9.8% from 2003 to 2004.

### NUMBER OF PERMANENT PARTIAL IMPAIRMENT RATINGS

Figure 11 represents the number of PPI ratings given per case comparing trials and settlements. In most instances this number will be equal to the number of doctors per case, but not always. It is possible that one doctor could give more than one PPI rating for the same injury (i.e., a specific impairment to the hand is converted to a percentage of impairment to the arm). It is also possible that the same doctor could give more than one PPI rating to different body parts injured in the same case (i.e., 10% PPI to the left arm and 5% PPI to the left leg). Usually multiple body part PPI ratings are for injuries to the fingers. Eighty-three percent (83%) of cases reported the use of only one PPI rating in 2004. Data related to trials show 45% of trials concluded in 2004 involved the use of one PPI rating. While in 28% of trials, two PPI ratings were given. Table 13 lists the number of PPI ratings per case for 2000 to 2004 cases in Tennessee.

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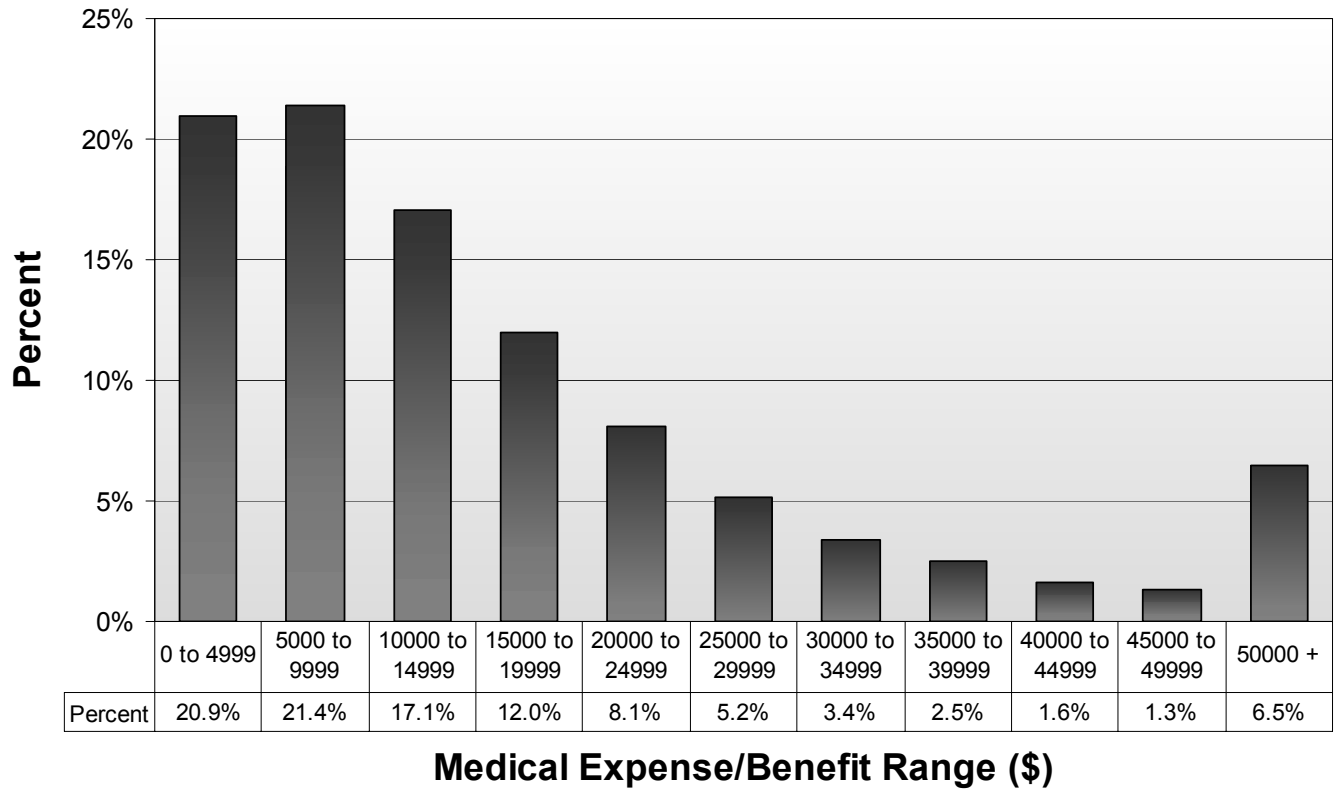
<sup>18</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test



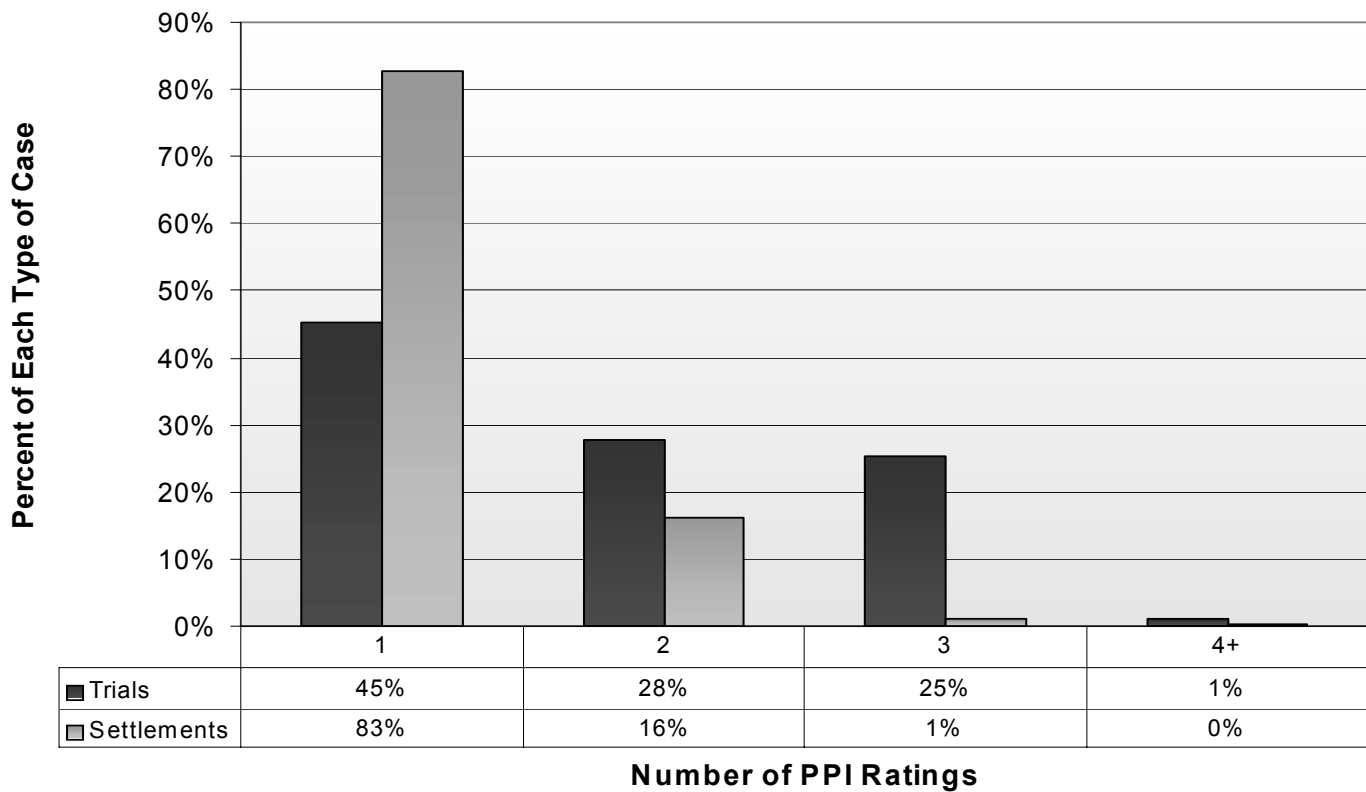
**Table 12: Calendar Year - 2004: Medical Benefits/Expenses**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	284	\$16,898.46	\$8,887.74	\$22,793.60
2	173	\$20,167.90	\$10,979.11	\$26,895.86
3	327	\$16,345.09	\$10,316.43	\$20,258.16
4	284	\$19,537.92	\$11,991.52	\$28,748.34
5	139	\$22,424.44	\$14,121.00	\$35,641.32
6	592	\$18,652.72	\$11,330.54	\$25,763.96
7	253	\$16,368.63	\$10,129.64	\$19,269.22
8	186	\$22,934.05	\$12,339.71	\$56,560.41
9	201	\$20,711.85	\$12,712.83	\$28,833.29
10	240	\$20,651.65	\$13,556.57	\$24,516.62
11	762	\$20,188.19	\$12,290.79	\$29,478.77
12	199	\$22,333.07	\$12,383.95	\$31,317.55
13	224	\$22,478.15	\$11,358.72	\$32,880.50
14	55	\$20,658.69	\$13,905.37	\$23,796.27
15	177	\$15,474.37	\$9,753.64	\$17,891.86
16	495	\$20,353.20	\$11,714.79	\$44,561.25
17	103	\$23,819.35	\$15,114.59	\$25,784.08
18	102	\$24,220.99	\$13,696.05	\$45,383.45
19	167	\$15,331.24	\$10,842.66	\$16,291.45
20	1600	\$20,640.85	\$12,860.54	\$42,801.77
21	85	\$20,100.84	\$15,054.87	\$20,730.48
22	172	\$24,178.53	\$15,134.14	\$30,943.90
23	71	\$19,673.85	\$14,390.05	\$18,333.43
24	275	\$18,574.25	\$10,254.51	\$59,141.46
25	219	\$17,793.59	\$12,638.45	\$24,784.70
26	309	\$14,066.54	\$10,270.56	\$16,307.23
27	270	\$16,846.84	\$10,324.48	\$22,217.77
28	145	\$21,797.16	\$12,553.66	\$74,561.56
29	111	\$17,277.84	\$10,249.00	\$39,626.31
30	986	\$19,642.33	\$12,317.39	\$32,197.54
31	65	\$16,557.77	\$13,485.00	\$14,934.97
JD Not Given	1237	\$19,603.76	\$11,973.76	\$41,436.78
Statewide	10508	\$19,520.94	\$11,983.75	\$35,609.41
CY2003	8993	\$17,834.84	\$11,464.55	\$34,874.95
CY2002	8758	\$16,772.33	\$11,040.80	\$26,410.43
CY2001	9362	\$15,680.80	\$10,093.91	\$28,647.80
CY2000	10073	\$14,618.33	\$9,357.55	\$26,686.14

**Figure 10: Calendar Year - 2004: Medical Expense/Benefit Distribution**



**Figure 11: Calendar Year 2004: Number Permanent Partial Impairment Ratings Given Per Case**



**Table 13: Number of Permanent Partial Impairment Ratings per Case**

Year	Number of PPI Ratings			
	1	2	3	4+
2004	81.7%	16.7%	1.4%	0.2%
2003	82.9%	15.6%	1.3%	0.2%
2002	85.5%	13.2%	1.1%	0.1%
2001	74.3%	20.0%	3.0%	2.7%
2000	71.1%	19.8%	3.6%	2.5%

## BODY PARTS INJURED

Body part injured and the nature of injury are coded by the Department using IAIABC nature of injury and body part codes<sup>19</sup>. Table 14 lists the 10 most frequently occurring body parts injured and Table 15 lists the 10 most frequently occurring nature of injuries for 2004 cases in Tennessee.

**Table 14: 10 Most Frequently Occurring Body Parts Injured for 2004 Cases Using IAIABC Injury Code**

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
SHOULDER(S)	1535	12.7	12.7
KNEE	1460	12.1	24.8
MULTIPLE BODY PARTS (INCLUDING BODY SYSTEMS AND BODY PARTS)	1294	10.7	35.5
MULTIPLE UPPER EXTREMITIES	1031	8.5	44.0
LOWER BACK AREA (LUMBAR AREA AND LUMBO-SACRAL)	894	7.4	51.4
FINGER(S)	718	5.9	57.3
DISC	650	5.4	62.7
WRIST	630	5.2	67.9
MULTIPLE TRUNK	399	3.3	71.2
HAND	395	3.3	74.5

**Table 15: 10 Most Frequently Occurring Nature of Injuries for 2004 Cases Using IAIABC Injury Codes**

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
STRAIN	4114	34.2	34.2
MULTIPLE PHYSICAL INJURIES ONLY	1569	13.0	47.2
FRACTURE	1158	9.6	56.8
CARPAL TUNNEL SYNDROME	865	7.2	64.0
ALL OTHER SPECIFIC INJURIES NOC	836	7.0	71.0
DISLOCATION	641	5.3	76.3
SPRAIN	508	4.2	80.5
LACERATION	450	3.7	84.2
CONTUSION	334	2.8	87.0
HEARING LOSS OR IMPAIRMENT	267	2.2	89.2

<sup>19</sup>International Association of Industrial Accident Boards and Commissions (IAIABC) is a not-for-profit trade association representing government agencies charged with the administration of workers' compensation systems throughout most of the United States and Canada, and other nations and territories.

## **BODY AS A WHOLE - EMPLOYEE RETURNED TO PRE-INJURY EMPLOYMENT**

### **PERMANENT PARTIAL IMPAIRMENT RATINGS**

Table 16 lists the average of the highest permanent partial impairment (PPI) ratings given for BAW cases in which the injured workers returned to work for their pre-injury employers at same or higher pay. The “average highest PPI rating” is the average of each of the highest impairment ratings given by a physician to the injured worker in each of the cases reviewed. The average highest PPI is utilized as a comparison because a judge has discretion to accept any of the PPI ratings given and the determination as to whether a judge properly applied the multiplier caps in body as a whole cases is directly related to the highest PPI rating given.

As shown in Table 16, the mean PPI ratings for 2004 range from 7.8% to the BAW in Judicial District 31 to 13.7% in Judicial District 17. The statewide mean PPI is 9.6% to the BAW. Differences between judicial districts for PPD amounts are statistically significant for BAW return to work cases.<sup>20</sup> The differences may be attributable to differences in injury severity, local medical practices and the utilization of independent medical examinations. The mean PPI ratings for BAW cases where the injured worker returned to work rose from 9.2% in 2001 to 9.8% in 2003 and declined slightly to 9.6% in 2004.

### **PERMANENT PARTIAL DISABILITY PERCENTAGE**

Table 17 lists the average percentage of permanent partial disability (PPD) awards/settlements for body as a whole injuries in cases where the injured employee returned to work for the same employer. The mean PPD percentage for the state for 2004 cases is 20.0% (80

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<sup>20</sup>  $p < .01$  Kruskal Wallis Test

weeks) to the body as a whole. The mean PPD awards/settlements range from 13.3% (53 weeks) in Judicial District 23 to 29.1% (116 weeks) in Judicial District 14.<sup>21</sup> The apparent differences may be due to local job opportunities, PPI differences and judicial discretion. Average PPD amounts have increased from 18.5% in 2000 to 20.0% in 2004, which reflects a 8.1% increase.

#### PERMANENT PARTIAL DISABILITY MULTIPLIERS

A permanent partial disability (PPD) multiplier is the ratio of the PPD judgment or settlement amount to the highest PPI rating given to an injured employee. To determine the multiplier, the PPD percent was divided by the highest PPI rating. To ensure accuracy, cases were selected for analysis only if the SD-1 form included both a BAW PPI rating and a BAW PPD judgment or settlement amount.

The statewide mean PPD multiplier for BAW cases where the injured worker returned to work for 2004 cases is 2.2, with a range of 1.9 in Judicial District 23 to 3.1 in Judicial District 14. All judicial districts as well as the statewide mean and median PPD multipliers for BAW return to work cases for calendar year 2004 are listed in Table 18.<sup>22</sup> The reasons for the differences would be the same as those for PPD percent mentioned previously.

In four judicial districts, the multiplier was greater than 2.5, the statutory cap placed on BAW judgments in cases where the injured worker was returned to work. Possible reasons for this are the injured worker met the age and education requirements for exceeding the 2.5 times cap set forth in *TCA* §50-6-241, the PPD judgment amount was based on a PPI rating not reported on the SD-1, or the parties settled to an amount higher than a 2.5 times multiplier. PPD multipliers have stayed constant from 2000 to 2004.

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<sup>21</sup> Differences between judicial districts for PPD amounts are statistically significant for BAW return to work cases.  
 $p < .01$  Kruskal Wallis Test

<sup>22</sup> Differences between judicial districts for PPD amounts are statistically significant  $p < .01$  Kruskal Wallis Test.

## PERMANENT PARTIAL DISABILITY MONETARY AMOUNTS

As noted in the 2002 Annual Report, permanent partial disability (PPD) monetary benefits increased an average 14% from 2001 to 2002. This increase was evident despite other variables such as permanent partial impairment ratings, PPD percent amounts and PPD multipliers remaining fairly constant or in some cases, showing decreases. Upon further analysis, it appears that the PPD monetary benefit amounts for calendar years 2000 and 2001 were reported by those responsible for filling out the SD-1 form at amounts less than what they should have been when compared to PPD monetary benefit amounts calculated by multiplying PPD percent amounts, compensation rates and the appropriate number of weeks of benefits. Therefore, since the 2003 annual report, PPD monetary benefit amounts are reported as a calculation.

Like the data for the average TTD monetary amounts paid discussed previously, average PPD monetary amounts paid are very much influenced by weekly compensation rates. Table 19 lists the average PPD monetary payments for 2004 BAW return to work cases. The statewide mean is \$31,084.70 with a range from \$21,792.13 in Judicial District 23 to \$53,594.39 in Judicial District 27. PPD monetary amounts for BAW return to work cases have increased from \$25,174.00 in 2000 to \$31,084.70 in 2004.

Because PPD monetary amounts paid are influenced directly by other variables (i.e., compensation rate and PPD percentage amount) that are statistically different from each other, so would the monetary amounts paid be statistically different. This, however, is of little value; therefore, significance tests are not reported for PPD monetary amounts paid here and throughout the rest of the report. PPD monetary data reported in this report for previous years have been calculated in this manner as well.

#### MEDICAL BENEFIT/EXPENSE AMOUNTS

A new component in the report is the inclusion of medical benefit/expense amounts for specific body part and judgment/settlement types as reported on the SD-1. For 2004 BAW cases where the injured worker returned to work, the mean amount paid for medical benefits at the time of conclusion is \$22,832.00. Table 20 lists the average medical amounts paid for BAW return to work cases concluded in 2004. Medical benefits ranged from \$14,679.39 in Judicial District 29 to \$31,529.36 in Judicial District 17.



**Table 16: Calendar Year - 2004: Permanent Partial Impairment - Body as a Whole  
Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	44	10.4	8.0	8.7
2	25	9.5	7.0	7.2
3	45	7.4	7.0	4.3
4	32	8.8	7.0	6.9
5	15	8.7	5.0	8.1
6	114	9.8	6.0	13.8
7	35	10.4	6.0	9.5
8	22	11.3	9.3	7.8
9	24	10.7	10.0	7.2
10	39	11.3	8.0	9.7
11	118	8.7	6.0	6.5
12	35	12.0	10.0	8.0
13	42	10.7	10.0	7.8
14	11	9.5	9.0	3.2
15	28	10.4	7.5	7.0
16	120	10.0	7.0	9.2
17	17	13.5	11.0	8.5
18	18	9.6	10.0	4.7
19	22	10.9	8.0	7.5
20	288	8.5	6.0	5.9
21	16	10.8	9.0	6.9
22	43	10.6	9.0	5.9
23	10	8.9	5.5	8.2
24	41	10.4	9.0	6.5
25	34	9.5	8.0	4.9
26	50	11.3	8.0	9.7
27	43	12.7	11.0	8.7
28	28	11.7	10.0	7.7
29	18	13.1	10.0	10.3
30	140	9.9	8.0	8.1
31	19	7.8	6.0	5.7
JD Not Given	222	7.7	6.0	6.1
Statewide	1758	9.6	7.0	7.9
CY2003	2189	9.8	7.0	8.6
CY2002	2011	9.5	8.0	7.8
CY2001	2392	9.2	8.0	7.4
CY2000	2405	9.3	8.0	8.6

**Table 17: Calendar Year - 2004: Percentage Awarded for Permanent Partial Disability  
Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	44	19.6	15.5	14.3
2	25	17.4	13.5	13.6
3	45	19.2	14.0	19.0
4	32	18.8	13.9	17.0
5	15	16.8	13.0	10.8
6	114	21.1	15.0	20.4
7	34	27.8	19.6	24.8
8	22	25.3	15.0	22.4
9	24	21.5	17.8	14.4
10	38	21.5	18.7	16.3
11	118	18.9	12.5	16.5
12	35	26.6	22.5	18.1
13	42	27.4	21.8	16.4
14	11	29.1	25.0	20.0
15	28	25.6	19.8	19.8
16	120	18.7	12.5	14.0
17	17	26.0	19.0	18.5
18	18	20.0	18.8	9.4
19	22	25.8	20.4	16.1
20	288	16.8	12.8	13.3
21	16	21.2	20.0	14.1
22	43	24.5	20.0	17.0
23	10	13.3	10.3	9.0
24	40	21.3	17.8	14.3
25	34	19.1	15.0	10.8
26	50	20.2	17.7	13.8
27	43	28.3	25.0	17.7
28	28	21.8	20.5	14.7
29	18	24.4	20.5	15.4
30	140	19.4	15.0	14.4
31	19	20.3	14.0	17.6
JD Not Given	222	16.7	12.0	14.9
<b>Statewide</b>	<b>1755</b>	<b>20.0</b>	<b>15.0</b>	<b>16.0</b>
CY2003	2495	19.8	15.0	16.0
CY2002	2465	19.7	15.0	15.6
CY2001	2618	18.9	15.0	14.0
CY2000	2680	18.5	15.0	13.5

**Table 18: Calendar Year - 2004: Permanent Partial Disability Multipliers - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	44	2.0	2.0	0.6
2	25	2.1	1.9	1.1
3	44	2.3	2.0	1.4
4	32	2.2	2.2	0.9
5	15	2.2	2.1	0.7
6	113	2.4	2.4	1.3
7	34	2.7	2.5	1.0
8	22	2.3	2.1	1.0
9	24	2.3	2.4	0.9
10	38	2.3	2.2	1.1
11	118	2.2	2.0	0.9
12	35	2.4	2.3	0.9
13	42	3.0	2.5	1.9
14	11	3.1	2.8	2.7
15	28	2.5	2.2	1.3
16	120	2.0	2.0	0.6
17	17	2.0	2.2	0.6
18	18	2.1	2.3	0.5
19	22	3.0	2.5	2.4
20	288	2.1	2.0	1.0
21	16	2.0	2.0	0.6
22	43	2.3	2.1	0.7
23	10	1.9	2.0	0.7
24	40	2.0	2.0	0.6
25	34	2.1	1.9	0.7
26	50	2.1	1.9	0.9
27	43	2.5	2.1	1.8
28	28	2.3	2.0	2.1
29	18	2.7	2.0	2.7
30	140	2.1	2.0	0.8
31	19	2.5	2.5	0.9

JD Not Given	221	2.2	2.0	1.1
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Statewide	1752	2.2	2.0	1.1
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CY2003	2172	2.2	2.0	0.9
CY2002	1994	2.3	2.0	0.9
CY2001	2382	2.2	2.0	0.9
CY2000	2393	2.2	2.0	0.9

**Table 19: Calendar Year - 2004: Permanent Partial Disability - Monetary Benefits - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	44	\$27,869.47	\$20,870.39	\$23,456.66
2	25	\$25,099.36	\$20,862.66	\$21,856.01
3	45	\$27,483.16	\$20,544.96	\$28,561.11
4	32	\$28,065.94	\$15,748.99	\$29,495.20
5	15	\$23,249.92	\$21,421.60	\$11,855.03
6	114	\$29,409.84	\$19,433.00	\$32,908.96
7	33	\$45,894.04	\$29,050.00	\$43,809.52
8	22	\$36,074.56	\$24,566.10	\$35,899.77
9	24	\$27,998.61	\$20,376.30	\$21,460.61
10	37	\$33,924.81	\$23,960.00	\$32,047.36
11	117	\$23,599.43	\$17,894.80	\$22,872.92
12	35	\$32,449.03	\$26,916.92	\$21,961.69
13	42	\$35,893.20	\$29,666.01	\$27,984.39
14	11	\$37,871.37	\$19,763.70	\$46,872.40
15	27	\$44,021.80	\$27,535.20	\$38,124.23
16	119	\$36,386.57	\$28,752.00	\$28,740.61
17	17	\$37,139.97	\$29,923.92	\$24,298.55
18	18	\$33,676.74	\$22,974.82	\$22,414.39
19	22	\$31,414.39	\$23,304.34	\$25,255.24
20	282	\$28,864.58	\$18,996.13	\$27,864.35
21	16	\$34,986.75	\$33,973.15	\$27,357.05
22	42	\$42,561.58	\$36,126.60	\$33,165.32
23	10	\$21,792.13	\$15,780.32	\$19,687.21
24	40	\$28,554.79	\$21,317.42	\$24,649.81
25	34	\$27,797.77	\$28,148.40	\$13,643.72
26	50	\$28,832.45	\$20,915.50	\$22,653.61
27	41	\$53,594.39	\$54,100.00	\$35,849.58
28	28	\$29,990.56	\$22,609.65	\$18,932.28
29	18	\$39,270.90	\$38,740.60	\$30,395.68
30	140	\$32,472.53	\$24,631.26	\$28,923.83
31	18	\$33,246.35	\$24,330.00	\$37,466.77
JD Not Given	220	\$25,949.93	\$18,722.88	\$26,541.79
Statewide	1738	\$31,084.70	\$22,300.02	\$28,651.73
CY2003	2464	\$30,202.73		
CY2002	2442	\$29,734.24		
CY2001	2587	\$26,880.34		
CY2000	2643	\$25,174.00		

**Table 20: Calendar Year - 2004: Medical Benefits/Expenses - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	42	\$19,698.04	\$17,807.79	\$15,324.78
2	22	\$23,162.25	\$11,335.06	\$29,370.71
3	42	\$18,717.11	\$12,375.54	\$20,324.17
4	31	\$17,520.31	\$13,767.13	\$14,878.01
5	15	\$18,692.08	\$13,392.08	\$17,850.81
6	102	\$20,796.04	\$18,304.03	\$18,285.45
7	31	\$21,069.54	\$10,160.18	\$31,758.16
8	20	\$24,622.45	\$12,510.65	\$34,619.89
9	24	\$25,390.17	\$20,652.78	\$26,457.97
10	32	\$18,024.91	\$16,990.90	\$11,147.11
11	112	\$26,715.27	\$16,417.04	\$47,647.56
12	32	\$28,186.51	\$18,343.37	\$35,261.35
13	39	\$27,808.46	\$14,814.98	\$33,535.25
14	9	\$24,167.98	\$20,662.79	\$16,566.87
15	25	\$20,676.66	\$16,726.45	\$20,265.74
16	112	\$22,907.93	\$15,705.05	\$25,350.33
17	16	\$31,529.36	\$30,801.44	\$19,198.38
18	16	\$30,124.50	\$23,333.65	\$30,290.30
19	17	\$23,746.85	\$17,707.17	\$20,863.12
20	268	\$22,798.59	\$16,902.22	\$19,778.23
21	15	\$30,355.46	\$15,552.22	\$38,734.07
22	32	\$27,995.14	\$19,006.71	\$35,648.20
23	9	\$23,538.42	\$19,731.62	\$15,462.49
24	38	\$14,992.02	\$13,329.51	\$13,083.94
25	32	\$14,930.87	\$13,936.93	\$13,200.83
26	41	\$14,971.85	\$14,018.36	\$11,067.05
27	40	\$27,388.44	\$17,360.00	\$36,454.27
28	26	\$20,117.40	\$18,402.93	\$13,833.67
29	16	\$14,679.39	\$13,334.50	\$10,367.08
30	131	\$21,955.18	\$19,148.14	\$21,072.22
31	17	\$25,367.58	\$21,980.29	\$15,205.68
JD Not Given	213	\$25,144.49	\$17,788.40	\$30,763.49
Statewide	1617	\$22,832.00	\$16,866.48	\$26,451.18

## **BODY AS A WHOLE CASES - EMPLOYEE DID NOT RETURN TO PRE-INJURY EMPLOYMENT**

### **PERMANENT PARTIAL IMPAIRMENT RATINGS**

Average highest permanent partial impairment (PPI) ratings for BAW cases where the injured worker did not return to work for cases concluded in 2004 are listed in Table 21. The statewide mean highest PPI rating for BAW no return to work cases is 13.2% with a range from 6.6% in Judicial District 15 to 20.8% in Judicial District 31. Mean PPI ratings for body as a whole cases where the injured worker did not return to work have decreased from 15.0% in 2000 to 12.7% in 2003 and increased slightly to 13.2% in 2004.

### **PERMANENT PARTIAL DISABILITY PERCENTAGE**

Table 22 lists the average percentage of PPD for employees with injuries to the body as a whole who did not return to work for the pre-injury employer that concluded in 2004. The mean PPD percent is 37.6% (150.4 weeks) to the body as a whole and ranges from a low of 24.6% (98.4 weeks) in Judicial District 5 to a high of 49.0% (196 weeks) in Judicial District 27. From 2000 to 2001, PPD judgment/settlement percentages for BAW no return to work cases increased by 4.3%. From 2001 to 2002 and 2002 to 2003 they increased by less than one half of a percent. From 2003 to 2004, the PPD judgment/settlement percent increased by 8.9%.

### **PERMANENT PARTIAL DISABILITY MULTIPLIERS**

Calendar year 2004 BAW cases in which the employee did not return to work for the pre-injury employer have a mean PPD multiplier of 3.3 and are displayed in Table 23. The data ranges from a 2.5 multiplier in Judicial District 29 to a multiplier of 4.7 in Judicial District 7. PPD

multipliers for body as whole cases where the employee did not return to work have edged up from 3.1 in 2000 to 3.3 in 2004.

#### PERMANENT PARTIAL DISABILITY MONETARY AMOUNTS

Table 24 lists the average judgment and settlement monetary amounts for 2004 BAW no return to work cases. The statewide mean amount is \$50,226.98 with a range of \$33,288.95 in Judicial District 2 to \$68,929.64 in Judicial District 8. Again it must be remembered that this data is a function of the compensation rate as well as the percentage of permanent partial disability. Mean PPD judgment and settlement amounts for BAW no return to work cases increased by nearly 10.5% from 2000 to 2001, 1.4% from 2001 to 2002, 9.4% from 2002 to 2003 and 6.3% from 2003 to 2004.

#### MEDICAL BENEFIT/EXPENSE AMOUNTS

The average medical benefit/expense amounts for 2004 BAW no return to work cases are displayed in Table 25. The statewide mean is \$34,505.83 and ranged from \$13,872.15 in Judicial District 15 to \$70,852.68 in Judicial District 16. There is one case in Judicial District 16 with medical benefits reported being over \$800,000 which is influencing the mean to be extraordinarily high. With that case removed however, the mean for Judicial District 16 is \$44,230.95 and still is the highest amount for BAW no return to work cases in 2004.

**Table 21: Calendar Year - 2004: Permanent Partial Impairment - Body as a Whole  
Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	26	13.1	10.0	13.0
2	18	13.2	12.5	8.4
3	23	16.0	10.0	14.5
4	32	16.1	12.0	18.0
5	12	7.8	7.0	3.1
6	54	11.8	10.0	8.0
7	19	10.1	8.0	8.2
8	24	10.4	8.5	6.1
9	16	12.8	5.0	18.4
10	27	14.9	10.0	13.8
11	89	13.2	10.0	9.7
12	22	11.9	9.5	8.1
13	25	17.6	13.0	13.8
14	5	11.6	13.0	3.6
15	9	6.6	7.0	3.0
16	37	16.6	13.0	16.5
17	10	13.9	9.5	9.6
18	12	15.3	17.5	8.1
19	18	12.4	13.0	6.8
20	103	13.3	10.0	11.8
21	13	9.7	8.0	6.2
22	23	13.3	12.0	7.8
23	7	10.4	9.0	8.2
24	22	15.0	10.0	11.7
25	9	12.6	10.0	7.5
26	14	13.1	10.0	7.5
27	8	19.1	15.5	13.0
28	14	13.7	10.5	11.5
29	4	16.5	12.0	10.4
30	64	13.4	10.0	11.6
31	4	20.8	16.5	16.5
JD Not Given	80	10.6	8.0	8.5
<b>Statewide</b>	<b>843</b>	<b>13.2</b>	<b>10.0</b>	<b>11.2</b>
CY2003	1017	12.7	10.0	11.4
CY2002	988	12.8	10.0	12.1
CY2001	1078	14.2	10.0	16.1
CY2000	831	15.0	10.0	18.6



**Table 22: Calendar Year - 2004: Percentage Awarded for Permanent Partial Disability  
Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	26	38.9	39.5	22.3
2	18	38.4	28.5	25.6
3	23	39.8	42.5	24.3
4	32	40.2	35.5	29.0
5	12	24.6	24.0	14.3
6	54	37.8	32.5	26.9
7	19	43.0	30.0	30.4
8	24	46.0	36.3	30.3
9	16	31.4	22.7	21.9
10	27	41.7	45.0	22.7
11	89	38.4	28.0	26.8
12	22	44.3	38.5	28.7
13	25	53.6	54.2	28.5
14	5	32.8	35.7	15.9
15	9	27.8	22.5	16.2
16	37	40.5	33.0	27.0
17	10	39.0	32.8	24.9
18	12	42.0	37.0	23.1
19	18	34.8	32.1	20.7
20	103	36.0	30.3	23.5
21	13	29.4	27.0	19.4
22	23	38.3	30.0	26.9
23	7	36.9	32.0	27.3
24	22	31.7	30.0	13.5
25	9	29.1	25.0	17.7
26	14	38.0	35.0	25.6
27	8	49.0	46.8	26.6
28	14	33.7	29.1	18.3
29	4	34.9	32.1	6.8
30	64	34.6	27.9	23.6
31	4	56.3	53.0	32.2
JD Not Given	80	32.4	30.8	21.8
Statewide	843	37.6	30.0	24.7
CY2003	1150	34.5	28.0	23.6
CY2002	1240	34.4	27.4	24.4
CY2001	1198	34.3	30.0	23.5
CY2000	921	32.9	25.0	23.3

**Table 23: Calendar Year - 2004: Permanent Partial Disability Multipliers - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	26	3.3	3.1	1.3
2	18	3.3	3.4	1.5
3	23	3.0	2.5	1.9
4	31	2.9	2.7	1.5
5	12	3.2	3.0	1.6
6	54	3.4	3.2	1.7
7	19	4.7	4.8	2.7
8	24	4.5	4.1	2.2
9	16	3.9	3.6	2.0
10	27	3.7	3.0	2.3
11	89	3.4	3.0	2.0
12	22	4.3	3.6	3.3
13	25	3.7	3.7	1.8
14	5	2.7	2.6	1.0
15	9	4.3	3.6	2.0
16	37	2.9	2.6	1.7
17	10	3.0	3.0	0.9
18	12	3.0	2.9	1.0
19	18	2.8	3.0	0.9
20	103	3.1	3.0	1.4
21	13	4.1	2.6	4.2
22	23	2.7	2.5	1.0
23	7	3.4	3.6	1.4
24	22	2.8	2.2	1.7
25	9	2.6	2.5	1.2
26	14	3.1	2.7	1.6
27	8	3.0	3.1	1.4
28	14	2.9	2.7	1.6
29	4	2.5	2.6	0.8
30	63	3.3	2.7	3.0
31	4	3.1	3.3	0.6
JD Not Given	80	3.4	3.4	1.5
Statewide	841	3.3	3.0	1.9
CY2003	1014	3.2	3.0	1.5
CY2002	976	3.2	3.0	1.8
CY2001	1073	3.2	3.0	1.8
CY2000	827	3.1	2.9	1.7

**Table 24: Calendar Year - 2004: Permanent Partial Disability - Monetary Benefits - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	26	\$37,836.40	\$30,282.00	\$28,544.17
2	18	\$33,288.95	\$29,652.95	\$22,389.09
3	22	\$37,655.77	\$31,751.28	\$28,857.51
4	32	\$54,771.17	\$33,230.00	\$51,628.80
5	12	\$37,423.91	\$29,655.36	\$33,424.94
6	53	\$53,033.76	\$33,087.96	\$51,942.43
7	19	\$55,081.78	\$45,822.00	\$39,394.71
8	24	\$68,929.64	\$53,427.74	\$60,330.83
9	16	\$39,577.26	\$29,802.15	\$28,439.68
10	27	\$51,878.43	\$37,596.02	\$39,618.07
11	89	\$51,683.33	\$39,907.64	\$41,928.75
12	22	\$66,506.56	\$45,482.16	\$60,215.99
13	25	\$71,552.14	\$62,748.00	\$37,992.13
14	5	\$51,999.37	\$40,015.42	\$39,893.90
15	9	\$38,886.55	\$30,240.00	\$28,739.60
16	37	\$61,596.75	\$52,480.80	\$44,961.36
17	10	\$38,085.84	\$33,943.16	\$24,684.51
18	11	\$66,432.77	\$67,016.04	\$54,088.00
19	18	\$46,954.31	\$43,119.01	\$31,944.89
20	103	\$50,908.33	\$40,501.44	\$40,156.59
21	13	\$33,922.45	\$32,002.56	\$24,913.07
22	23	\$64,932.02	\$43,175.34	\$56,548.40
23	7	\$45,568.55	\$23,968.80	\$49,663.48
24	22	\$41,694.72	\$31,538.08	\$32,206.03
25	9	\$46,244.25	\$31,697.10	\$42,112.28
26	14	\$41,599.36	\$40,980.00	\$20,942.07
27	8	\$67,115.09	\$63,509.10	\$40,966.93
28	14	\$36,264.33	\$30,361.80	\$22,768.78
29	4	\$48,639.90	\$52,341.41	\$20,917.07
30	64	\$49,952.77	\$32,521.35	\$46,625.24
31	4	\$66,852.24	\$66,643.16	\$32,243.91
JD Not Given	79	\$40,096.99	\$31,148.00	\$30,734.87
Statewide	839	\$50,226.98	\$37,680.00	\$41,765.70
CY2003	1139	\$47,429.34		
CY2002	1229	\$43,355.79		
CY2001	1189	\$42,772.66		
CY2000	909	\$38,697.80		

**Table 25: Calendar Year - 2004: Medical Benefits/Expenses - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	25	\$28,568.38	\$22,907.22	\$29,938.36
2	18	\$36,735.23	\$20,323.02	\$50,358.33
3	23	\$38,893.68	\$26,829.18	\$39,494.77
4	29	\$23,973.42	\$15,542.55	\$22,071.36
5	10	\$29,602.75	\$16,266.22	\$37,969.47
6	44	\$30,034.19	\$21,875.33	\$34,128.92
7	16	\$21,642.55	\$14,793.83	\$17,943.03
8	20	\$30,507.81	\$21,288.47	\$23,512.71
9	16	\$36,693.05	\$26,553.65	\$50,318.23
10	19	\$35,021.62	\$20,604.78	\$33,035.41
11	80	\$40,392.01	\$20,516.46	\$46,402.96
12	18	\$32,321.15	\$23,900.79	\$32,108.63
13	25	\$33,616.93	\$26,211.45	\$29,961.15
14	3	\$22,349.59	\$19,420.54	\$14,818.27
15	8	\$13,872.15	\$5,177.20	\$16,396.39
16	30	\$70,852.68	\$30,395.85	\$157,001.66
17	9	\$43,636.68	\$25,519.70	\$37,021.10
18	10	\$40,545.01	\$25,512.46	\$54,834.04
19	18	\$18,690.66	\$15,000.00	\$13,925.64
20	93	\$37,243.36	\$19,759.68	\$55,880.57
21	10	\$22,735.97	\$21,341.45	\$10,381.20
22	20	\$39,235.18	\$24,000.89	\$40,553.72
23	7	\$39,441.34	\$33,376.62	\$27,048.10
24	17	\$14,870.39	\$10,988.73	\$11,545.03
25	9	\$24,237.15	\$19,763.65	\$17,092.09
26	11	\$22,705.87	\$17,547.18	\$19,722.35
27	7	\$33,352.73	\$16,980.09	\$50,828.36
28	9	\$16,859.45	\$14,437.50	\$13,034.47
29	4	\$16,590.57	\$20,227.24	\$11,463.18
30	58	\$41,135.21	\$27,389.96	\$52,247.24
31	4	\$40,383.42	\$35,984.49	\$21,473.72
JD Not Given	70	\$31,134.48	\$19,531.18	\$41,276.26
Statewide	740	\$34,505.83	\$20,651.32	\$50,976.70

## ARM INJURIES - EMPLOYEE RETURNED TO PRE- INJURY EMPLOYMENT

### PERMANENT PARTIAL IMPAIRMENT RATINGS

Average PPI ratings for cases concluding in 2004 involving an injury to the arm where the injured worker returned to work are listed in Table 26. The statewide mean PPI rating is 7.6% to the arm. The data ranges from 4.3% in Judicial District 16 to 10.9% in Judicial District 30. Differences between judicial districts are statistically significant.<sup>23</sup> Some potential reasons for differences in PPI ratings between judicial districts are the doctors involved in the cases and the parties that hire them, differences in injury and industry mixes and differences related to rural compared to urban areas. Mean PPI ratings have decreased 16% from 2000 to 2004.

### PERMANENT PARTIAL DISABILITY PERCENTAGE

The average PPD percentage for 2004 return to work (for pre-injury employer) arm cases are listed in Table 27. The statewide mean is 18.0% to the arm (36.0 weeks) with a range of 12.7% (25.4 weeks) in Judicial District 2 to 26.1% (52.2 weeks) in Judicial District 13. Differences between judicial districts are statistically significant.<sup>24</sup> Arm injury cases where injured workers returned to work show no consistent trend of increasing or decreasing, however 2004 data marks the lowest PPD percent in the five years data has been monitored.

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<sup>23</sup>  $p < .01$  Kruskal Wallis Test

<sup>24</sup>  $p < .01$  Kruskal Wallis Test

## PERMANENT PARTIAL DISABILITY MULTIPLIERS

Table 28 lists the average PPD multiplier for cases concluded in 2004 involving arm injuries where the injured worker returned to work. The statewide mean multiplier is 3.0 with a range from 2.3 in Judicial District 29 to 4.4 in Judicial District 12.<sup>25</sup> Cases were selected for analysis only if PPI ratings and PPD judgment/settlement percentages were reported as injuries to the arm on SD-1 forms. The multiplier has remained virtually constant for the five years analyzed, edging up from 2.7 in 2000 to 3.0 in 2004.

## PERMANENT PARTIAL DISABILITY MONETARY AMOUNTS

Table 29 displays the average PPD monetary amounts paid in return to work arm cases for 2004. The mean amount paid for return to work arm cases is \$13,451.21 with a range of \$8,268.21 in Judicial District 8 to \$21,833.80 in Judicial District 7. Mean PPD judgment/settlement amounts have remained relatively constant from 2000 to 2004.

## MEDICAL EXPENSE/BENEFIT AMOUNTS

The mean amount of medical benefits/expenses for 2004 arm cases where the injured worker returned to work is \$12,267.05. Statewide and judicial district means are reported in Table 30. Average medical amounts for arm return to work cases range from \$8,311.16 in Judicial District 16 to \$16,562.99 in Judicial District 30.

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<sup>25</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test.

**Table 26: Calendar Year - 2004: Permanent Partial Impairment - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	24	5.8	5.0	5.6
2	14	6.1	4.0	5.5
3	39	9.0	5.0	10.5
4	23	6.9	5.0	6.4
5	7	5.1	5.0	3.4
6	41	6.4	5.0	4.8
7	41	8.0	5.0	6.7
8	14	4.8	4.5	3.6
9	14	8.8	7.0	6.8
10	22	9.0	5.0	12.0
11	92	5.9	4.3	5.5
12	33	5.9	4.0	7.7
13	36	9.1	5.0	8.3
14	12	6.3	6.5	3.9
15	28	7.8	5.0	6.6
16	87	4.3	3.0	3.8
17	27	7.0	5.0	6.3
18	13	9.4	10.0	7.0
19	28	5.6	5.0	4.0
20	218	6.1	5.0	6.6
21	8	10.8	7.8	7.8
22	28	5.6	5.0	2.6
23	5	7.9	10.0	5.0
24	57	9.3	10.0	6.3
25	42	10.6	10.0	8.7
26	54	9.5	10.0	7.7
27	57	10.4	10.0	8.0
28	31	9.5	10.0	4.8
29	25	10.6	10.0	6.8
30	102	10.9	7.4	10.9
31	10	6.9	5.0	3.9
JD Not Given	163	7.4	5.0	9.6
Statewide	1395	7.6	5.0	7.6
CY2003	1214	7.8	5.0	7.9
CY2002	1089	8.2	5.0	7.9
CY2001	1289	9.0	6.0	8.3
CY2000	1383	9.1	7.0	8.5

**Table 27: Calendar Year - 2004: Percentage Awarded for Permanent Partial Disability - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	24	13.5	10.5	11.4
2	14	12.7	10.0	9.6
3	39	24.1	17.5	21.8
4	23	16.9	14.0	14.5
5	7	14.3	14.0	8.3
6	41	15.2	12.0	9.9
7	41	25.8	20.0	20.1
8	14	15.5	8.0	15.8
9	14	22.4	21.0	14.1
10	22	16.2	12.3	13.1
11	92	15.0	8.4	16.1
12	33	18.3	13.5	14.9
13	36	26.1	20.0	19.0
14	12	18.2	10.7	17.0
15	28	24.7	21.8	14.0
16	86	14.2	10.5	11.6
17	27	15.9	12.0	11.4
18	13	20.5	20.0	12.1
19	28	18.3	18.0	14.1
20	218	14.3	11.3	12.0
21	8	25.4	18.3	16.5
22	28	15.2	13.7	6.6
23	5	21.5	23.3	10.2
24	57	20.1	20.0	8.9
25	42	24.6	20.0	18.6
26	54	20.1	18.0	13.7
27	57	17.7	17.5	7.6
28	31	20.5	22.2	8.0
29	25	19.0	21.0	8.6
30	102	22.8	16.7	20.3
31	10	19.1	17.3	11.3
JD Not Given	163	16.1	12.0	14.4
Statewide	1394	18.0	15.0	14.6
CY2003	1211	19.1	15.0	15.6
CY2002	1089	19.0	15.0	16.8
CY2001	1287	21.1	16.0	16.8
CY2000	1380	20.6	17.5	15.8



**Table 28: Calendar Year - 2004: Permanent Partial Disability Multipliers - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	24	2.8	2.5	1.4
2	14	2.8	2.0	2.2
3	37	3.5	2.5	3.3
4	23	2.8	2.5	1.3
5	7	3.1	2.8	1.4
6	41	2.9	2.3	2.1
7	41	3.6	2.5	2.4
8	14	3.2	3.0	1.5
9	14	3.1	2.5	1.2
10	22	2.5	2.5	1.2
11	92	2.7	2.0	2.0
12	33	4.4	4.4	2.9
13	36	3.8	3.3	2.4
14	12	3.2	2.5	1.9
15	28	4.1	3.4	2.4
16	84	3.8	3.3	1.8
17	27	2.8	2.5	1.3
18	13	2.8	2.5	1.6
19	28	3.5	3.4	2.1
20	217	2.7	2.5	1.3
21	8	2.7	2.5	1.2
22	28	3.3	2.7	2.6
23	5	3.5	3.0	2.3
24	56	2.7	2.4	1.8
25	42	3.3	2.0	3.1
26	52	2.6	2.0	1.5
27	57	2.7	2.0	2.2
28	31	3.2	2.2	3.1
29	25	2.3	2.1	1.4
30	102	2.5	2.2	1.2
31	10	2.8	2.7	0.7
JD Not Given	163	2.7	2.4	1.6
Statewide	1386	3.0	2.5	2.0
CY2003	1209	2.9	2.5	1.7
CY2002	1086	2.8	2.5	1.7
CY2001	1286	2.8	2.5	1.8
CY2000	1381	2.7	2.3	1.7

**Table 29: Calendar Year - 2004: Permanent Partial Disability - Monetary Benefits - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	24	\$10,041.15	\$7,618.40	\$9,653.57
2	14	\$11,392.72	\$7,264.80	\$8,825.89
3	39	\$16,266.14	\$12,137.60	\$15,576.30
4	23	\$9,162.85	\$7,680.42	\$7,585.76
5	7	\$8,828.83	\$7,882.80	\$5,944.45
6	41	\$11,938.41	\$10,169.10	\$8,612.98
7	41	\$21,833.80	\$17,146.40	\$17,549.09
8	14	\$8,268.21	\$5,981.77	\$6,600.28
9	14	\$18,778.41	\$12,917.25	\$16,600.73
10	22	\$11,887.21	\$8,034.00	\$10,769.95
11	92	\$10,024.90	\$5,603.30	\$11,365.07
12	33	\$13,040.25	\$11,240.00	\$9,172.95
13	35	\$15,548.22	\$11,495.68	\$14,609.12
14	12	\$14,036.91	\$8,541.00	\$13,567.64
15	28	\$18,302.50	\$15,639.95	\$13,807.63
16	87	\$16,067.59	\$11,620.00	\$26,856.97
17	27	\$13,175.77	\$10,179.84	\$11,479.07
18	13	\$15,887.20	\$14,383.74	\$8,638.60
19	28	\$11,361.13	\$11,681.90	\$7,742.77
20	215	\$11,150.88	\$7,799.12	\$10,471.81
21	8	\$19,286.92	\$13,253.99	\$17,349.31
22	28	\$11,947.84	\$10,251.02	\$6,733.49
23	5	\$8,908.20	\$9,295.20	\$2,013.70
24	57	\$12,119.90	\$11,317.60	\$7,061.18
25	42	\$16,900.24	\$14,318.60	\$11,992.02
26	52	\$11,950.41	\$9,933.90	\$9,931.21
27	57	\$14,931.23	\$12,888.83	\$8,680.84
28	30	\$14,251.27	\$14,667.10	\$7,520.30
29	25	\$13,228.56	\$10,999.71	\$7,559.03
30	102	\$16,415.27	\$12,567.34	\$14,421.39
31	9	\$13,467.62	\$9,567.25	\$11,449.20
<b>JD Not Giver</b>	<b>162</b>	<b>\$12,946.70</b>	<b>\$9,113.60</b>	<b>\$13,527.21</b>
<b>Statewide</b>	<b>1386</b>	<b>\$13,451.21</b>	<b>\$10,406.82</b>	<b>\$13,244.43</b>
CY2003	1358	\$13,055.28		
CY2002	1255	\$12,377.47		
CY2001	1415	\$13,711.41		
CY2000	1541	\$13,175.01		

**Table 30: Calendar Year - 2004: Medical Benefits/Expenses - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	23	\$9,847.33	\$6,861.81	\$10,174.66
2	14	\$13,279.84	\$10,327.04	\$9,342.24
3	39	\$11,923.14	\$8,586.77	\$10,512.40
4	22	\$11,533.74	\$10,199.63	\$7,147.71
5	6	\$8,700.14	\$6,451.80	\$6,857.80
6	39	\$9,707.95	\$9,152.84	\$6,241.06
7	39	\$10,727.92	\$8,561.66	\$9,672.57
8	14	\$12,287.76	\$10,427.40	\$6,776.60
9	14	\$11,362.85	\$10,290.03	\$8,636.34
10	21	\$11,419.51	\$9,325.16	\$7,704.66
11	85	\$10,955.62	\$9,197.30	\$8,120.70
12	30	\$12,211.33	\$9,088.61	\$8,232.00
13	34	\$12,941.11	\$10,982.78	\$8,862.98
14	11	\$15,129.23	\$11,456.11	\$15,881.83
15	25	\$18,082.45	\$12,675.15	\$13,538.03
16	83	\$8,311.16	\$6,842.32	\$5,285.77
17	22	\$12,516.03	\$9,124.49	\$9,792.10
18	12	\$12,998.46	\$12,059.27	\$7,205.11
19	26	\$9,894.59	\$9,268.89	\$5,429.01
20	207	\$13,880.91	\$11,385.82	\$11,645.96
21	8	\$11,023.47	\$10,211.39	\$7,882.09
22	28	\$11,811.62	\$9,275.73	\$10,738.91
23	4	\$11,858.26	\$13,683.33	\$4,879.19
24	51	\$10,199.50	\$9,418.57	\$6,157.79
25	38	\$14,957.05	\$9,789.99	\$16,418.25
26	49	\$10,549.30	\$8,471.54	\$8,519.15
27	54	\$9,616.20	\$8,737.09	\$6,795.76
28	27	\$11,577.40	\$10,132.99	\$6,475.71
29	19	\$10,076.75	\$7,056.00	\$8,562.06
30	95	\$16,562.99	\$11,177.77	\$22,582.55
31	8	\$11,320.99	\$8,582.76	\$8,900.36
JD Not Given	155	\$13,247.99	\$10,470.87	\$10,791.58
Statewide	1302	\$12,267.05	\$9,622.75	\$11,237.46

## ARM INJURIES - EMPLOYEE DID NOT RETURN TO PRE-INJURY EMPLOYMENT

### PERMANENT PARTIAL IMPAIRMENT RATINGS

The average PPI ratings for calendar year 2004 arm cases in which the employee did not return to work for the pre-injury employer are listed in Table 31. The data ranges from 4.0% PPI to the arm in Judicial District 2 to 21.2% in Judicial District 10 with a statewide mean of 11.4%. Due to the small number of cases in each district, significance tests comparing judicial district averages were not performed on any of the data sets for no return to work arm cases. (Also due to the small number of cases, the ranges can appear more extreme, thus the reader is encouraged to look at the number of cases that comprise district averages before making too broad of a comparison.) Mean PPI rating for no return to work arm cases had been decreasing about 10% each year from 2000 to 2003. However, from 2003 to 2004 the mean PPI increased from 9.6 to 11.4, a 19% increase.

### PERMANENT PARTIAL DISABILITY PERCENTAGE

Average PPD percentages for cases that involved arm injuries where the worker did not return to work for the pre-injury employer are listed in Table 32 for cases closed in 2004. The mean PPD percentage is 30.8% to the arm (61.6 weeks) with a range of 14.5% (29.0 weeks) in Judicial District 2 to 52.6% (105.2 weeks) in Judicial District 13. PPD judgment/settlement percentages had remained between 28% and 29% for the years 2000 to 2003. In 2004, the PPD percentage increased to 30.8%.

## PERMANENT PARTIAL DISABILITY MULTIPLIERS

Table 33 lists the average PPD multipliers for no return to work arm cases concluded in 2004. The statewide mean multiplier is 3.7 with a range of 2.3 in Judicial District 25 to 5.9 in Judicial District 9. PPD multipliers for cases involving arm injuries where the worker did not return to work have increased from 3.2 in 2000 to 3.7 in 2004.

## PERMANENT PARTIAL DISABILITY MONETARY AMOUNTS

Table 34 displays average PPD monetary benefits paid for no return to work arm cases concluded in 2004. The mean dollar amount paid is \$19,056.63. Mean PPD amounts range from \$6,778.56 in Judicial District 2 to \$36,633.64 in Judicial District 13.<sup>26</sup> PPD monetary benefits paid for no return to work arm cases increased only slightly from 2000 to 2002 and then increased over 16% from 2002 to 2004.

## MEDICAL BENEFIT/EXPENSE AMOUNTS

Average monetary amounts paid for medical benefits/expenses for 2004 arm injury cases where the injured worker did not return to work are reported in Table 35. Mean amounts range from \$6,006.37 in Judicial District 1<sup>27</sup> to \$43,430.68 in Judicial District 13. The statewide mean for 2004 arm injury cases where the injured worker did not return to work is \$15,847.82.

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<sup>26</sup>Judicial District 13 has the highest mean PPD monetary amount of districts reporting more than 1 case.

<sup>27</sup>Judicial District 13 has the highest mean medical benefit/expense amount of districts reporting more than 1 case.

**Table 31: Calendar Year - 2004: Permanent Partial Impairment - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	5	15.8	9.0	17.5
2	2	4.0	4.0	1.4
3	8	8.2	8.0	5.0
4	8	11.1	7.8	7.4
5	4	5.5	4.0	5.4
6	13	7.1	5.0	9.0
7	4	8.0	8.5	2.2
8	9	12.2	9.5	11.5
9	6	5.3	5.5	2.6
10	7	21.2	11.0	25.4
11	21	14.1	6.0	22.7
12	6	6.7	5.0	4.5
13	4	16.5	15.0	13.3
14	1	6.0	6.0	
15	6	10.7	7.0	7.4
16	17	8.7	5.0	7.3
17	4	9.3	9.0	3.0
18	0			
19	6	9.9	8.0	6.3
20	49	10.3	5.0	16.1
21	2	9.5	9.5	5.0
22	3	9.0	11.0	3.5
23	4	10.8	10.5	6.8
24	18	13.4	10.0	10.9
25	5	16.2	15.0	7.4
26	15	16.5	10.0	22.4
27	7	12.6	10.0	9.7
28	3	15.7	10.0	12.5
29	3	12.7	13.0	2.5
30	24	11.4	8.3	12.1
31	1	10.0	10.0	
JD Not Given	28	11.2	5.0	11.2
<b>Statewide</b>	<b>293</b>	<b>11.4</b>	<b>7.0</b>	<b>13.4</b>
CY2003	252	9.6	8.0	8.3
CY2002	285	10.6	7.5	9.8
CY2001	308	11.6	10.0	10.3
CY2000	227	12.9	10.0	12.5

**Table 32: Calendar Year - 2004: Percentage Awarded for Permanent Partial Disability - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	5	36.8	34.0	31.7
2	2	14.5	14.5	0.7
3	8	24.8	22.6	15.9
4	8	34.0	22.0	26.2
5	4	24.9	24.1	25.2
6	13	23.4	15.0	18.1
7	4	37.0	22.5	32.1
8	9	44.0	38.7	25.6
9	6	29.4	27.5	19.1
10	7	45.4	40.0	33.0
11	21	36.0	26.0	31.7
12	6	30.1	30.0	18.7
13	4	52.6	55.5	12.4
14	1	18.0	18.0	
15	6	45.4	37.8	24.0
16	17	24.8	15.0	19.7
17	4	24.9	24.5	8.4
18	0			
19	6	29.0	20.9	20.3
20	49	24.2	19.5	17.1
21	2	24.3	24.3	2.4
22	3	31.7	32.5	18.8
23	4	40.3	34.0	27.6
24	18	33.4	26.3	25.4
25	5	36.5	30.0	17.8
26	15	31.0	25.0	22.4
27	7	26.7	20.0	17.1
28	3	41.8	40.0	26.7
29	3	25.5	29.0	6.9
30	24	34.0	23.5	27.7
31	1	43.2	43.2	
JD Not Given	28	27.3	19.1	23.4
Statewide	293	30.8	24.0	22.9
CY2003	251	28.1	22.5	19.7
CY2002	285	28.7	22.0	19.6
CY2001	308	28.5	23.8	19.6
CY2000	227	30.2	25.3	17.7

**Table 33: Calendar Year - 2004: Permanent Partial Disability Multipliers - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Judicial District	Frequency	Mean	Median	Std. Deviation
1	5	3.3	3.0	1.6
2	2	3.9	3.9	1.2
3	8	3.3	3.0	1.1
4	8	3.2	3.1	1.3
5	4	3.8	3.2	2.5
6	13	4.4	4.5	2.2
7	4	4.5	3.3	3.4
8	9	5.5	5.5	3.3
9	6	5.9	4.8	3.7
10	7	4.6	3.3	4.7
11	21	3.7	3.0	2.3
12	6	4.6	4.3	2.0
13	4	5.6	4.4	4.4
14	1	3.0	3.0	
15	6	4.8	4.2	1.6
16	17	3.2	3.3	1.3
17	4	2.7	2.7	0.3
18	0			
19	6	3.9	3.4	2.4
20	49	3.8	3.7	2.1
21	2	2.9	2.9	1.3
22	3	3.3	3.0	1.1
23	4	3.8	3.8	0.7
24	18	3.3	2.5	2.1
25	5	2.3	2.3	0.5
26	15	3.2	2.5	3.1
27	7	3.0	3.0	1.7
28	3	3.2	2.3	2.2
29	3	2.0	2.0	0.2
30	24	3.7	2.5	2.8
31	1	4.3	4.3	
JD Not Given	28	3.1	3.0	1.3
<b>Statewide</b>	<b>293</b>	<b>3.7</b>	<b>3.0</b>	<b>2.3</b>
CY2003	248	3.5	3.0	1.9
CY2002	285	3.5	3.0	2.0
CY2001	306	3.3	3.0	2.0
CY2000	226	3.2	3.0	1.7



**Table 34: Calendar Year - 2004: Permanent Partial Disability - Monetary Benefits - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	5	\$17,465.77	\$12,499.20	\$14,743.84
2	2	\$6,778.56	\$6,778.56	\$817.64
3	8	\$11,516.19	\$11,194.61	\$7,661.85
4	8	\$19,441.95	\$17,174.12	\$13,480.81
5	4	\$14,665.78	\$12,183.40	\$15,942.13
6	13	\$13,952.14	\$7,032.52	\$13,492.93
7	4	\$22,085.40	\$15,534.25	\$18,939.33
8	9	\$26,065.81	\$17,235.79	\$19,755.46
9	6	\$24,385.89	\$20,829.90	\$13,972.70
10	7	\$27,855.78	\$24,487.20	\$19,949.63
11	20	\$24,656.91	\$15,614.88	\$24,073.99
12	6	\$13,501.03	\$13,178.75	\$10,133.04
13	4	\$36,633.64	\$36,118.25	\$3,422.82
14	1	\$12,977.28	\$12,977.28	
15	5	\$29,613.54	\$18,957.00	\$23,538.47
16	17	\$19,538.90	\$16,230.00	\$13,301.83
17	4	\$15,379.96	\$12,295.83	\$8,990.90
18	0			
19	6	\$14,108.92	\$13,788.53	\$5,636.52
20	49	\$17,272.03	\$12,326.34	\$14,098.20
21	2	\$26,573.48	\$26,573.48	\$6,469.34
22	3	\$25,679.10	\$13,989.30	\$26,671.96
23	4	\$24,524.62	\$26,336.18	\$15,630.19
24	18	\$15,932.23	\$14,353.02	\$8,418.63
25	5	\$16,868.70	\$18,284.52	\$7,601.83
26	15	\$15,720.09	\$12,762.24	\$10,488.57
27	6	\$16,359.99	\$15,276.45	\$9,129.13
28	3	\$16,187.03	\$8,160.00	\$15,452.51
29	3	\$16,967.79	\$18,669.60	\$6,315.56
30	24	\$18,999.17	\$13,070.45	\$16,600.11
31	1	\$39,975.55	\$39,975.55	
JD Not Given	28	\$19,229.13	\$10,112.96	\$21,128.99
<b>Statewide</b>	<b>290</b>	<b>\$19,056.63</b>	<b>\$14,388.66</b>	<b>\$15,650.03</b>
CY2003	291	\$17,199.20		
CY2002	342	\$16,373.87		
CY2001	348	\$16,146.31		
CY2000	253	\$16,052.76		

**Table 35: Calendar Year - 2004: Medical Benefits/Expenses - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	3	\$6,006.37	\$5,639.23	\$1,245.89
2	2	\$16,958.31	\$16,958.31	\$9,680.04
3	7	\$14,416.87	\$13,566.59	\$9,265.92
4	7	\$19,766.16	\$15,864.84	\$17,520.24
5	4	\$14,745.01	\$13,580.52	\$9,033.60
6	12	\$9,647.73	\$8,920.30	\$5,868.35
7	4	\$16,350.73	\$16,432.31	\$12,314.10
8	8	\$22,153.21	\$20,120.74	\$15,344.22
9	5	\$13,236.57	\$12,712.83	\$7,559.17
10	6	\$21,943.10	\$20,263.52	\$20,304.46
11	19	\$17,127.10	\$11,103.03	\$21,244.89
12	5	\$7,666.36	\$5,941.21	\$4,437.59
13	3	\$43,430.68	\$57,862.57	\$29,058.89
14	1	\$8,024.87	\$8,024.87	
15	5	\$15,068.24	\$14,572.87	\$9,739.32
16	15	\$17,407.88	\$12,501.29	\$14,841.53
17	3	\$19,684.43	\$7,500.00	\$21,457.23
18	0			
19	5	\$9,919.44	\$3,742.85	\$10,683.93
20	47	\$14,907.48	\$12,826.57	\$11,610.51
21	2	\$19,338.53	\$19,338.53	\$6,058.01
22	3	\$28,241.80	\$18,836.22	\$19,562.29
23	4	\$16,567.83	\$16,119.81	\$5,010.03
24	17	\$15,366.24	\$13,104.82	\$14,137.62
25	5	\$16,806.11	\$18,585.73	\$7,695.05
26	14	\$16,117.53	\$10,607.18	\$14,589.67
27	7	\$14,137.22	\$11,056.74	\$7,180.74
28	2	\$27,458.69	\$27,458.69	\$7,507.32
29	1	\$8,048.70	\$8,048.70	
30	19	\$17,769.55	\$11,080.00	\$21,267.20
31	1	\$3,077.00	\$3,077.00	
JD Not Given	25	\$12,752.65	\$10,558.93	\$8,510.26
Statewide	261	\$15,847.82	\$12,089.88	\$14,076.20

## LEG INJURIES - EMPLOYEE RETURNED TO PRE-INJURY EMPLOYMENT

### PERMANENT PARTIAL IMPAIRMENT RATINGS

Average highest PPI ratings for 2004 cases involving a leg injury where the employee returned to work for the pre-injury employer are listed in Table 36. The statewide mean PPI rating is 8.9% to the leg with a range of 5.5% in Judicial District 5 to 17.4% in Judicial District 17. For leg injury cases where the injured worker returned to work, PPI ratings have stayed the same for 2003 and 2004.

### PERMANENT PARTIAL DISABILITY PERCENTAGE

Average PPD percentage for judgments and settlements for 2004 return to work leg injury cases range from 14.0% (28.0 weeks) to the leg in Judicial District 5 to 34.4% (68.8 weeks) in Judicial District 12. These data are reported in Table 37. The statewide mean is 20.8% to the leg (41.6 weeks).<sup>28</sup> PPD percentage amounts for return to work leg cases decreased 2.3% from 2000 to 2001, 3.1% from 2001 to 2002 and increased 2.4% from 2002 to 2003 and decreased 2.4% from 2003 to 2004.

### PERMANENT PARTIAL DISABILITY MULTIPLIERS

Table 38 lists the average PPD multipliers for 2004 return to work leg injury cases. Only cases in which the PPI rating and the PPD percentage were attributed to the leg on the SD-1 form are included in the analysis. The statewide mean PPD multiplier is 2.7 with a range of 1.8 in

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<sup>28</sup> Differences between judicial districts are statistically significant.  $p < .01$  Kruskal Wallis Test.

Judicial District 14 to 4.3 in Judicial District 7.<sup>29</sup> There has been relatively no change in the average statewide PPD multipliers for return to work leg cases from 2000 to 2004.

#### PERMANENT PARTIAL DISABILITY MONETARY AMOUNTS

The statewide mean PPD monetary amount paid for 2004 return to work leg injury cases is \$16,100.81 with a range of \$8,804.55 in Judicial District 14 to \$29,039.48 in Judicial District 17. The average PPD monetary payments for all judicial districts for 2004 return to work leg injury cases are listed in Table 39. Monetary amounts paid for return to work leg cases are virtually unchanged from 2003 and 2004.

#### MEDICAL BENEFIT/EXPENSE AMOUNTS

Table 40 reports the average amount of medical benefits/expenses for 2004 leg injury cases where the injured worker returned to work. The statewide mean is \$17,282.34 with a range of \$8,583.87 in Judicial District 27 to \$35,246.91 in Judicial District 22.

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<sup>29</sup> Differences between judicial districts are statistically significant.  $p < .03$  Kruskal Wallis Test.

**Table 36: Calendar Year - 2004: Permanent Partial Impairment - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	30	10.2	7.5	10.1
2	21	8.0	7.0	7.8
3	35	6.3	7.0	4.5
4	42	8.5	7.0	7.4
5	25	5.5	5.0	4.2
6	76	7.9	5.0	8.8
7	25	9.0	7.0	9.9
8	15	8.3	7.0	5.4
9	20	10.7	8.0	10.8
10	35	11.0	7.0	9.5
11	78	8.4	6.0	8.5
12	15	12.4	10.0	10.6
13	17	11.3	8.0	8.8
14	2	10.0	10.0	0.0
15	15	10.9	10.0	7.7
16	51	7.8	7.0	7.6
17	7	17.4	14.0	14.6
18	18	9.9	7.0	8.5
19	16	11.6	8.5	10.0
20	201	7.8	5.0	7.5
21	12	9.3	9.5	7.2
22	13	7.1	2.0	8.1
23	5	8.0	5.0	6.3
24	29	9.8	7.0	9.6
25	24	12.8	13.0	7.3
26	40	8.6	7.0	7.4
27	27	10.0	10.0	5.5
28	17	15.1	9.0	17.1
29	15	13.5	8.0	14.1
30	122	9.1	7.0	8.2
31	6	13.6	9.5	15.0
JD Not Given	162	8.0	5.0	8.0
Statewide	1216	8.9	7.0	8.5
CY2003	1085	8.9	7.0	8.9
CY2002	1075	8.6	7.0	7.8
CY2001	1172	9.2	7.0	8.5
CY2000	1181	9.7	7.0	9.8

**Table 37: Calendar Year - 2004: Percentage Awarded for Permanent Partial Disability - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	30	21.6	14.0	20.7
2	21	16.6	15.0	12.5
3	35	19.2	14.4	17.1
4	42	21.1	14.5	19.1
5	24	14.0	8.8	10.0
6	76	18.5	10.5	18.2
7	25	29.8	21.0	21.6
8	14	22.7	19.5	12.3
9	20	29.3	29.0	17.2
10	35	22.3	17.0	17.8
11	78	20.6	14.0	18.2
12	15	34.4	22.0	27.2
13	17	26.6	24.0	21.6
14	2	17.5	17.5	3.5
15	15	30.9	25.6	23.7
16	51	18.1	12.0	16.0
17	7	34.2	32.0	26.2
18	18	20.8	17.4	16.1
19	16	25.6	20.0	20.0
20	199	18.2	13.0	16.7
21	12	24.6	26.3	17.1
22	13	23.7	8.3	23.4
23	5	20.0	15.0	14.6
24	29	22.2	18.0	19.1
25	24	28.4	20.0	23.3
26	40	18.3	15.0	13.4
27	27	22.8	20.0	11.7
28	17	28.7	17.5	23.7
29	15	25.6	20.0	21.1
30	122	21.7	17.4	17.3
31	5	25.9	20.0	20.1
JD Not Given	162	17.5	11.4	15.3
Statewide	1211	20.8	15.0	17.8
CY2003	1082	21.2	16.0	18.0
CY2002	1075	20.7	15.3	17.4
CY2001	1171	21.4	17.5	17.4
CY2000	1179	21.9	16.0	18.2

**Table 38: Calendar Year - 2004: Permanent Partial Disability Multipliers - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	30	2.6	2.0	1.9
2	21	2.3	2.0	0.6
3	34	2.9	3.0	1.2
4	42	2.7	2.3	1.5
5	24	2.8	3.0	0.9
6	76	2.8	2.5	1.8
7	25	4.3	4.0	2.8
8	14	3.3	3.0	1.1
9	19	3.0	3.0	1.5
10	35	2.4	2.0	1.7
11	77	2.8	2.5	2.1
12	15	3.2	3.0	1.7
13	17	2.3	2.0	0.9
14	2	1.8	1.8	0.4
15	14	2.5	2.5	0.7
16	51	3.2	2.5	2.4
17	7	2.1	2.3	0.9
18	18	2.7	3.0	1.1
19	16	2.6	2.6	1.0
20	198	2.6	2.5	1.5
21	12	3.0	2.8	1.4
22	13	3.6	3.6	1.5
23	5	3.1	3.0	1.6
24	29	2.5	2.3	1.0
25	24	2.2	2.0	0.9
26	40	2.6	2.1	1.3
27	27	2.8	2.0	3.0
28	17	2.3	2.0	0.8
29	15	2.4	2.0	0.9
30	121	2.7	2.5	1.4
31	5	3.4	2.1	2.1
JD Not Given	162	2.6	2.4	1.1
Statewide	1205	2.7	2.5	1.6
CY2003	1081	2.8	2.5	1.8
CY2002	1071	2.7	2.5	1.6
CY2001	1170	2.7	2.5	1.4
CY2000	1178	2.7	2.4	1.6

**Table 39: Calendar Year - 2004: Permanent Partial Disability - Monetary Benefits - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	30	\$13,946.87	\$11,218.64	\$11,939.27
2	21	\$12,359.89	\$9,526.86	\$10,852.80
3	35	\$14,075.29	\$10,396.58	\$12,019.12
4	42	\$14,937.17	\$6,757.33	\$18,863.67
5	25	\$19,880.86	\$8,693.52	\$43,805.87
6	76	\$14,439.42	\$8,008.33	\$18,631.03
7	24	\$24,610.69	\$19,919.00	\$17,730.70
8	15	\$27,860.06	\$14,991.20	\$50,783.67
9	20	\$21,392.39	\$15,246.14	\$18,297.50
10	33	\$14,539.89	\$11,142.00	\$12,269.24
11	78	\$14,051.36	\$10,367.56	\$12,699.09
12	15	\$19,449.40	\$16,633.60	\$13,279.91
13	17	\$19,097.85	\$12,842.76	\$18,837.53
14	2	\$8,804.55	\$8,804.55	\$7,207.61
15	15	\$25,423.84	\$15,232.40	\$27,849.35
16	51	\$20,255.94	\$14,376.00	\$18,201.81
17	7	\$29,039.48	\$20,148.48	\$30,573.34
18	17	\$19,328.75	\$13,793.08	\$17,841.54
19	16	\$17,159.19	\$12,432.55	\$16,750.44
20	199	\$14,045.87	\$9,999.66	\$13,858.77
21	12	\$19,658.89	\$18,389.94	\$13,963.79
22	13	\$18,298.24	\$9,703.80	\$18,786.80
23	5	\$19,881.70	\$11,003.80	\$20,098.71
24	29	\$14,775.32	\$10,214.16	\$13,585.09
25	24	\$24,939.24	\$18,641.65	\$24,104.33
26	40	\$12,891.53	\$8,369.72	\$11,405.82
27	27	\$19,964.05	\$18,803.52	\$10,422.08
28	17	\$17,319.17	\$15,583.50	\$11,768.32
29	15	\$15,810.16	\$12,160.00	\$12,262.52
30	121	\$17,004.07	\$12,978.00	\$14,596.22
31	5	\$15,159.05	\$18,204.48	\$8,155.46
JD Not Given	162	\$13,804.28	\$9,088.05	\$13,316.16
Statewide	1208	\$16,233.97	\$11,236.94	\$17,305.87
CY2003	1189	\$16,268.29		
CY2002	1199	\$14,732.17		
CY2001	1251	\$14,513.51		
CY2000	1272	\$15,007.87		



**Table 40: Calendar Year - 2004: Medical Benefits/Expenses - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	29	\$14,591.27	\$10,090.32	\$13,266.82
2	21	\$12,679.89	\$10,497.11	\$7,002.36
3	34	\$19,317.26	\$14,948.80	\$20,859.52
4	41	\$13,879.86	\$11,289.84	\$10,598.04
5	24	\$14,645.35	\$14,614.40	\$7,902.82
6	73	\$17,167.59	\$12,158.46	\$14,977.21
7	24	\$14,008.21	\$10,014.94	\$12,693.89
8	14	\$14,227.82	\$12,318.26	\$8,230.46
9	21	\$19,348.05	\$13,989.65	\$17,217.04
10	32	\$15,371.47	\$13,848.63	\$9,126.65
11	75	\$17,821.42	\$12,837.55	\$15,149.88
12	15	\$21,742.72	\$17,942.66	\$23,579.03
13	16	\$18,431.79	\$14,735.49	\$18,929.14
14	2	\$12,461.72	\$12,461.72	\$6,342.45
15	15	\$27,644.41	\$21,929.21	\$19,054.39
16	50	\$11,999.50	\$9,742.17	\$8,069.43
17	5	\$19,364.19	\$11,676.23	\$18,882.43
18	14	\$15,748.48	\$15,930.22	\$6,348.47
19	14	\$16,639.85	\$12,740.44	\$13,864.79
20	193	\$23,742.16	\$12,704.95	\$91,506.44
21	11	\$14,433.99	\$13,006.31	\$7,799.00
22	11	\$35,246.91	\$21,288.25	\$46,259.01
23	5	\$10,256.43	\$8,699.84	\$4,224.31
24	28	\$12,722.82	\$10,036.42	\$17,261.88
25	22	\$17,597.71	\$14,774.66	\$16,032.22
26	39	\$12,031.73	\$11,343.55	\$7,242.09
27	24	\$8,583.87	\$9,173.31	\$4,610.68
28	16	\$23,767.75	\$17,665.21	\$26,539.73
29	14	\$19,402.31	\$10,345.87	\$24,177.70
30	116	\$15,999.65	\$12,899.95	\$12,491.57
31	6	\$19,551.94	\$16,023.88	\$13,377.91
JD Not Given	160	\$14,948.40	\$12,240.64	\$12,793.12
Statewide	1164	\$17,282.34	\$12,215.58	\$39,665.52

## LEG INJURIES - EMPLOYEE DID NOT RETURN TO PRE-INJURY EMPLOYMENT

### PERMANENT PARTIAL IMPAIRMENT RATINGS

The average highest PPI ratings for leg injury cases where the injured worker did not return to work for the pre-injury employer for cases concluded in 2004 are listed in Table 41. The statewide mean PPI rating for no return to work leg cases is 14.2% to the leg with a range of 5.5% in Judicial District 2 to 43.8% in Judicial District 21. As in the no return to work arm cases, due to the small number of cases per judicial district, significance tests for differences between judicial districts were not performed.

### PERMANENT PARTIAL DISABILITY PERCENTAGE

Average PPD percentages for calendar year 2004 cases involving leg injuries where the employee did not return to work are listed in Table 42. The statewide mean PPD percentage is 38.0% PPD to the leg (76.0 weeks) with range of 18.2% (36.4 weeks) in Judicial District 2 to 80.0% (160.0 weeks) in Judicial District 21. Table 78 lists the average PPD percentages for 2004 no return to work leg injury cases.

### PERMANENT PARTIAL DISABILITY MULTIPLIERS

Table 43 lists the average PPD multipliers for 2004 no return to work leg injury cases. The statewide mean multiplier for no return to work leg injury cases has edged up from 3.3 in 2000 to 3.5 in 2004. Mean judicial district PPD multipliers for no return to work leg cases range of 1.6 in

Judicial District 23 to 7.3 in Judicial District 18. Direct judicial district comparisons should be done with consideration of the number of cases as well as the means, medians and standard deviations.

#### PERMANENT PARTIAL DISABILITY MONETARY AMOUNTS

Table 44 displays average PPD monetary benefits paid for no return to work leg cases concluded in 2004. The mean PPD benefit amount is \$24,077.05 with a range of \$8,083.54 in Judicial District 2 to \$45,792.56 in Judicial District 22. Mean PPD monetary amounts for leg injury cases where the injured worker did not return to work have not shown a consistent trend of increasing or decreasing.

#### MEDICAL BENEFIT/EXPENSE AMOUNTS

The statewide mean amount of medical benefits/expenses paid for leg injury cases where the injured worker returned to work is \$27,438.01. Judicial district means range from \$9,043.79 in Judicial District 2 to \$71,874.52 in Judicial District 14 and are reported in Table 45. For both the low and high judicial district, the low number of cases allow for extreme amounts to have a greater influence. As stated about PPD multipliers, direct judicial district comparisons should be done with consideration of the number of cases as well as the means, medians and standard deviations.

**Table 41: Calendar Year - 2004: Permanent Partial Impairment - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	6	15.5	12.5	12.1
2	6	5.5	6.0	3.1
3	7	19.1	12.0	15.3
4	2	16.0	16.0	19.8
5	7	16.4	12.0	14.7
6	15	11.1	10.0	12.5
7	8	15.8	9.3	15.4
8	9	14.6	10.0	13.4
9	7	12.7	12.0	8.7
10	13	18.9	12.0	15.1
11	18	14.8	9.0	14.6
12	3	11.3	13.0	4.7
13	5	9.4	8.0	5.6
14	2	13.0	13.0	4.2
15	4	18.5	12.0	18.0
16	12	7.9	7.5	5.6
17	5	10.8	9.0	6.5
18	2	11.0	11.0	12.7
19	3	11.3	11.0	1.5
20	47	11.3	7.0	11.3
21	2	43.8	43.8	8.8
22	3	16.0	16.0	9.0
23	4	33.8	40.0	21.4
24	6	8.0	7.0	4.0
25	3	20.7	20.0	16.0
26	7	16.6	16.0	6.7
27	6	18.2	15.5	16.8
28	4	22.3	21.0	15.9
29	3	8.7	3.0	9.8
30	32	16.2	12.5	15.0
31	1	7.0	7.0	
JD Not Given	32	14.1	9.5	16.2
Statewide	284	14.2	10.0	13.3
CY2003	252	13.2	9.0	11.5
CY2002	243	14.6	9.0	15.5
CY2001	273	14.6	10.0	14.0
CY2000	196	15.5	10.0	14.8

**Table 42: Calendar Year - 2004: Percentage Awarded for Permanent Partial Disability - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	6	39.3	32.5	32.2
2	6	18.2	13.2	16.5
3	7	40.4	30.4	25.4
4	2	46.1	46.1	44.0
5	7	40.0	30.0	36.3
6	15	33.3	30.0	25.5
7	8	54.7	53.3	29.0
8	9	40.6	32.5	26.0
9	7	42.2	34.2	25.6
10	13	46.2	40.0	23.2
11	18	35.4	25.0	23.9
12	3	40.2	45.5	23.0
13	5	35.2	35.0	17.5
14	2	68.5	68.5	5.0
15	4	31.8	29.0	12.3
16	12	30.5	22.0	23.0
17	5	37.0	25.0	27.5
18	2	41.5	41.5	26.2
19	3	32.5	40.0	16.6
20	47	30.0	25.0	21.0
21	2	80.0	80.0	7.1
22	3	64.3	69.0	34.2
23	4	54.1	59.5	34.4
24	6	25.0	25.0	7.2
25	3	56.4	72.1	33.9
26	7	39.0	37.5	11.8
27	6	44.1	37.5	28.0
28	4	54.3	52.5	42.4
29	3	27.7	14.0	25.4
30	32	39.1	30.5	25.4
31	1	18.5	18.5	
JD Not Given	32	38.9	33.0	27.6
Statewide	284	38.0	30.0	25.2
CY2003	252	36.2	30.0	24.3
CY2002	243	36.9	28.0	26.9
CY2001	273	35.9	30.0	25.5
CY2000	196	39.9	30.0	27.9

**Table 43: Calendar Year - 2004: Permanent Partial Disability Multipliers - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	6	3.6	2.7	3.0
2	6	3.4	3.8	1.4
3	7	2.9	3.3	1.5
4	2	5.0	5.0	3.5
5	7	2.9	2.5	2.0
6	15	4.4	3.6	3.4
7	8	5.0	3.7	3.1
8	9	3.8	4.0	1.4
9	7	3.7	3.1	1.3
10	13	3.5	3.2	2.0
11	18	3.4	3.0	1.9
12	3	3.3	3.5	0.8
13	5	4.4	3.6	1.9
14	2	5.5	5.5	1.4
15	4	3.2	3.2	2.4
16	12	4.1	4.2	1.2
17	5	3.4	3.0	0.7
18	2	7.3	7.3	6.0
19	3	2.8	3.1	1.3
20	47	3.6	3.2	2.5
21	2	1.9	1.9	0.5
22	3	4.1	4.0	0.2
23	4	1.6	1.7	0.3
24	6	3.5	3.5	1.0
25	3	3.1	3.5	0.8
26	7	2.6	2.5	1.1
27	6	3.0	2.8	1.3
28	4	2.4	2.4	0.5
29	3	3.8	4.0	0.9
30	32	2.9	2.7	1.1
31	1	2.6	2.6	
JD Not Given	31	3.3	3.0	1.5
Statewide	283	3.5	3.1	2.0
CY2003	250	3.3	3.0	1.7
CY2002	242	3.4	3.0	1.9
CY2001	272	3.3	3.0	1.9
CY2000	196	3.3	3.0	2.1

**Table 44: Calendar Year - 2004: Permanent Partial Disability - Monetary Benefits - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	6	\$25,241.61	\$17,466.80	\$27,434.37
2	6	\$8,083.54	\$5,693.28	\$8,313.75
3	7	\$23,857.07	\$18,695.20	\$13,633.60
4	2	\$37,264.35	\$37,264.35	\$41,333.72
5	7	\$27,973.36	\$19,425.60	\$30,047.69
6	15	\$18,786.28	\$13,407.00	\$15,442.82
7	8	\$39,970.36	\$34,451.22	\$34,276.78
8	9	\$19,806.13	\$14,224.56	\$16,776.55
9	7	\$21,010.16	\$21,074.50	\$8,930.78
10	13	\$25,089.31	\$24,267.60	\$12,266.51
11	18	\$20,657.61	\$14,791.75	\$21,375.93
12	3	\$17,549.54	\$17,113.20	\$1,481.30
13	4	\$24,399.14	\$19,875.02	\$20,452.69
14	2	\$16,102.97	\$16,102.97	\$5,739.54
15	4	\$17,237.21	\$17,717.20	\$6,940.69
16	12	\$23,364.80	\$15,117.84	\$19,852.52
17	5	\$19,529.82	\$19,364.50	\$5,485.47
18	2	\$18,523.61	\$18,523.61	\$4,294.67
19	3	\$17,434.80	\$16,000.00	\$6,250.87
20	47	\$22,180.48	\$15,658.40	\$20,233.51
21	2	\$35,964.35	\$35,964.35	\$11,805.64
22	3	\$45,792.56	\$33,120.00	\$45,265.89
23	4	\$44,680.58	\$43,190.26	\$35,550.72
24	6	\$15,840.84	\$15,487.59	\$11,602.25
25	3	\$31,163.90	\$28,495.36	\$26,067.36
26	7	\$26,459.89	\$27,169.00	\$9,205.89
27	6	\$37,476.29	\$34,267.59	\$33,718.17
28	4	\$40,583.90	\$34,845.60	\$35,354.32
29	3	\$14,940.80	\$9,455.76	\$13,345.94
30	32	\$24,193.06	\$17,014.21	\$21,431.21
31	0			
<b>JD Not Given</b>	<b>31</b>	<b>\$24,975.44</b>	<b>\$17,984.00</b>	<b>\$20,590.37</b>
<b>Statewide</b>	<b>281</b>	<b>\$24,077.05</b>	<b>\$17,280.00</b>	<b>\$20,753.44</b>
CY2003	280	\$21,980.19		
CY2002	289	\$22,599.55		
CY2001	293	\$21,533.12		
CY2000	219	\$24,833.10		

**Table 45: Calendar Year - 2004: Medical Benefits/Expenses - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Judicial District</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
1	5	\$10,192.63	\$8,600.70	\$4,332.65
2	5	\$9,043.79	\$8,705.76	\$2,478.66
3	6	\$20,176.29	\$17,942.01	\$14,270.89
4	1	\$48,832.99	\$48,832.99	
5	7	\$22,756.88	\$10,609.29	\$17,185.58
6	15	\$21,369.61	\$16,493.17	\$23,154.30
7	8	\$21,033.10	\$22,124.36	\$16,026.72
8	9	\$26,900.92	\$23,436.07	\$16,583.53
9	6	\$39,259.56	\$11,339.20	\$71,122.29
10	11	\$35,975.11	\$28,636.51	\$28,167.53
11	18	\$30,785.09	\$18,932.52	\$27,583.15
12	3	\$21,208.11	\$14,528.34	\$22,169.61
13	4	\$26,172.22	\$29,055.03	\$17,022.63
14	2	\$71,874.52	\$71,874.52	\$52,377.93
15	3	\$11,629.14	\$1,821.25	\$17,077.51
16	10	\$45,460.63	\$14,361.10	\$97,164.94
17	5	\$29,426.53	\$31,330.19	\$13,483.89
18	2	\$16,432.46	\$16,432.46	\$6,964.36
19	1	\$18,270.57	\$18,270.57	
20	45	\$26,292.04	\$16,638.87	\$27,487.17
21	2	\$37,502.60	\$37,502.60	\$12,284.26
22	2	\$70,198.30	\$70,198.30	\$75,682.38
23	3	\$31,517.46	\$15,165.00	\$30,698.03
24	6	\$18,211.89	\$13,545.19	\$14,655.80
25	3	\$13,454.11	\$17,638.70	\$9,057.74
26	6	\$14,628.12	\$14,817.51	\$11,643.58
27	5	\$12,430.91	\$14,096.22	\$4,676.17
28	4	\$26,466.69	\$22,988.95	\$20,542.34
29	2	\$9,382.77	\$9,382.77	\$8,226.43
30	32	\$29,467.20	\$16,846.89	\$43,776.58
31	1	\$17,548.93	\$17,548.93	
JD Not Given	29	\$32,483.06	\$19,101.00	\$47,092.63
Statewide	261	\$27,438.01	\$16,965.55	\$36,235.01



## **PSYCHOLOGICAL INJURY**

The parties are asked to indicate on each SD-1 form whether a psychological injury was claimed and are asked to indicate whether it was the sole injury claimed. Tables 46 and 47 give that data for cases closed in calendar years 2002 through 2004. The statewide percentage of cases where a psychological injury is claimed decreased from 2.2% to 2.0% from 2002 to 2003 and increased to 2.3% for 2004. The percent claiming psychological injury as a sole injury is below 1% from 2002 to 2004.

**Table 46: Workers' Compensation Cases In Which Psychological Injury Was Claimed**

Judicial District	2002			2003			2004		
	Total Cases	Number Claiming Pysch Injury	Percent	Total Cases	Number Claiming Pysch Injury	Percent	Total Cases	Number Claiming Pysch Injury	Percent
1	144	8	5.6%	306	6	2.0%	327	4	1.2%
2	96	7	7.3%	246	16	6.5%	201	6	3.0%
3	161	12	7.5%	307	8	2.6%	367	9	2.5%
4	145	3	2.1%	247	5	2.0%	326	10	3.1%
5	86	1	1.2%	141	1	0.7%	160	5	3.1%
6	547	13	2.4%	754	17	2.3%	738	12	1.6%
7	153	3	2.0%	263	5	1.9%	377	6	1.6%
8	139	11	7.9%	198	6	3.0%	231	9	3.9%
9	134	13	9.7%	289	6	2.1%	294	13	4.4%
10	227	10	4.4%	253	8	3.2%	281	7	2.5%
11	698	17	2.4%	769	19	2.5%	836	22	2.6%
12	132	3	2.3%	154	3	1.9%	227	4	1.8%
13	96	2	2.1%	180	3	1.7%	265	3	1.1%
14	64	1	1.6%	71		0.0%	62	3	4.8%
15	118	0	0.0%	127	1	0.8%	206	2	1.0%
16	403	10	2.5%	494	6	1.2%	554	10	1.8%
17	83	2	2.4%	79		0.0%	125	1	0.8%
18	106	5	4.7%	116	3	2.6%	131	0	0.0%
19	159	2	1.3%	197	3	1.5%	203	4	2.0%
20	1687	23	1.4%	1435	19	1.3%	1761	20	1.1%
21	50	1	2.0%	68	3	4.4%	98	2	2.0%
22	155	2	1.3%	137	2	1.5%	231	6	2.6%
23	42	0	0.0%	72		0.0%	83	2	2.4%
24	174	6	3.4%	251	2	0.8%	315	3	1.0%
25	69	5	7.2%	178	4	2.2%	246	4	1.6%
26	272	5	1.8%	314	7	2.2%	366	8	2.2%
27	153	2	1.3%	222	2	0.9%	293	7	2.4%
28	83	2	2.4%	125		0.0%	175	0	0.0%
29	63	1	1.6%	87		0.0%	141	2	1.4%
30	525	22	4.2%	1036	34	3.3%	1111	34	3.1%
31	66	1	1.5%	61	1	1.6%	82	1	1.2%
Not Given	2847	26	0.9%	1021	14	1.4%	1368	15	1.1%
Statewide	9877	219	2.2%	10394	204	2.0%	12181	234	2.3%

**Table 47: Workers' Compensation Cases In Which Psychological Injury Was the Sole Injury Claimed**

Judicial District	2002			2003			2004		
	Total Cases	Sole Pysch Injury	Percent	Total Cases	Sole Pysch Injury	Percent	Total Cases	Sole Pysch Injury	Percent
1	144	1	0.7%	306	2	0.7%	327	4	1.2%
2	96		0.0%	246		0.0%	201	3	1.5%
3	161	1	0.6%	307	3	1.0%	367	4	1.1%
4	145	2	1.4%	247	1	0.4%	326	2	0.6%
5	86		0.0%	141	2	1.4%	160	2	1.3%
6	547	8	1.5%	754	3	0.4%	738	1	0.1%
7	153	1	0.7%	263		0.0%	377	4	1.1%
8	139		0.0%	198		0.0%	231	3	1.3%
9	134	1	0.7%	289	1	0.3%	294	2	0.7%
10	227	2	0.9%	253		0.0%	281	1	0.4%
11	698	4	0.6%	769	4	0.5%	836	6	0.7%
12	132		0.0%	154	1	0.6%	227	3	1.3%
13	96	1	1.0%	180		0.0%	265		0.0%
14	64		0.0%	71		0.0%	62	1	1.6%
15	118		0.0%	127		0.0%	206		0.0%
16	403	3	0.7%	494	3	0.6%	554	3	0.5%
17	83		0.0%	79		0.0%	125		0.0%
18	106		0.0%	116	2	1.7%	131		0.0%
19	159	1	0.6%	197		0.0%	203		0.0%
20	1687	16	0.9%	1435	4	0.3%	1761	8	0.5%
21	50		0.0%	68		0.0%	98		0.0%
22	155	1	0.6%	137		0.0%	231	1	0.4%
23	42		0.0%	72		0.0%	83		0.0%
24	174		0.0%	251	3	1.2%	315	1	0.3%
25	69		0.0%	178	2	1.1%	246		0.0%
26	272	3	1.1%	314	1	0.3%	366	4	1.1%
27	153	3	2.0%	222		0.0%	293	3	1.0%
28	83		0.0%	125		0.0%	175	1	0.6%
29	63		0.0%	87		0.0%	141	1	0.7%
30	525	7	1.3%	1036	7	0.7%	1111	3	0.3%
31	66		0.0%	61		0.0%	82	1	1.2%
Not Given	2847	23	0.8%	1021	2	0.2%	1368	9	0.7%
Statewide	9877	78	0.8%	10394	41	0.4%	12181	71	0.7%

## PERMANENT TOTAL DISABILITY

There are two methods of collecting data on the frequency of permanent total disability (PTD) cases. The SD-1 form permits a case to be identified as a permanent total disability trial or settlement. The frequencies in which those specific fields on the SD-1 for 2000 through 2004 cases are displayed in Table 48. For cases concluded in 2004, 99 (0.8%) are indicated as being PTD settlements and 17 (0.1%) are indicated as being PTD trials.

**Table 48: Permanent Total Disability Case Frequencies**

Year	PTD Settlement		PTD Trial		Total
	Frequency	Percent	Frequency	Percent	
2000	171	1.50%	14	0.12%	1.62%
2001	117	1.10%	14	0.13%	1.24%
2002	120	1.21%	13	0.13%	1.35%
2003	85	0.82%	13	0.13%	0.94%
2004	99	0.77%	17	0.13%	0.90%

The SD-1 form also collects the amounts of different types of monetary benefits that are associated with each workers' compensation case. PTD benefits are one of the benefit types collected. Table 49 displays the number of SD-1 forms in which the reported PTD monetary benefit amount is greater than \$0.00 for calendar year 2000 through 2004 cases. The 2004 SD-1 data indicate PTD settlement benefits being paid in 47 cases (0.4%). In 6 cases, PTD trial benefits are paid. In 3 cases, the SD-1 data indicate PTD benefits are paid, but no conclusion type is indicated. The percent of cases in which PTD benefits were paid/awarded has steadily decreased from 2.4% in 2000 to 0.4% in 2004.

**Table 49: Frequencies of Monetary Permanent Total Disability Benefits Paid**

Year	PTD Settlement Benefits Paid		PTD Trial Benefits Paid		PTD Benefits Paid Conclusion Type Missing		Total
	Frequency	Percent	Frequency	Percent	Frequency	Percent	
2000	211	1.85%	13	0.11%	46	0.40%	2.36%
2001	151	1.42%	10	0.09%	32	0.30%	1.82%
2002	113	1.14%	10	0.10%	6	0.06%	1.31%
2003	68	0.65%	6	0.06%	2	0.02%	0.73%
2004	47	0.37%	6	0.05%	3	0.02%	0.44%

## DEATH CASES

The monetary amount of death benefits paid is also reported on SD-1 forms. The frequencies of death benefits paid for 2000 through 2004 cases are presented in Table 50. Out of all the 2004 cases, the SD-1 data indicate death settlement benefits were paid in 44 (0.3%) cases. In 2 trials, death benefits were awarded. From 2000 to 2004, the percent of cases where death benefits are paid/awarded has steadily decreased from 0.7% to 0.4%.

**Table 50: Frequencies of Monetary Death Benefits Paid**

Year	Death Settlement Benefits Paid		Death Trial Benefits Paid		Death Benefits Paid Conclusion Type Missing		Total
	Frequency	Percent	Frequency	Percent	Frequency	Percent	
2000	57	0.50%	5	0.04%	13	0.11%	0.66%
2001	40	0.38%	0	0.00%	11	0.10%	0.48%
2002	35	0.35%	1	0.01%	2	0.02%	0.38%
2003	40	0.38%	3	0.30%	0	0.00%	0.41%
2004	44	0.34%	2	0.02%	1	0.01%	0.37%

## APPEALS

After a case has been tried by a court in Tennessee, either party may appeal the court's verdict to the Tennessee Supreme Court. Pursuant to Supreme Court rules, all workers' compensation cases are referred to the Special Workers' Compensation Panel for hearing. It is mandatory for the Appeals Panel to hear the case. After the decision of the Panel has been sent to the parties, either or both of the parties can request the Supreme Court for a Full Court Review of the case. This review is discretionary with the Supreme Court. If the Supreme Court grants a Full Court Review, the case is argued before the entire Supreme Court and an opinion is issued. If a motion for a Full Court Review is not filed, the Supreme Court formally adopts the Panel's opinion. Decisions of both the Appeals Panel and the Supreme Court are published on the Supreme Court's website ([www.tsc.state.tn.us](http://www.tsc.state.tn.us)).

Table 51 contains information regarding workers' compensation appeals that was provided to the Advisory Council by the Administrative Office of the Courts.<sup>30</sup>

**Table 51: Workers' Compensation Appeals**

<b>Year</b>	<b>Workers' Compensation Appeals</b>	<b>Number of Motions for Full Court Review FILED</b>	<b>Number of Motions for Full Court Review GRANTED</b>	<b>Number of Motions for Full Court Review DENIED</b>
2000	193	60	14	48
2001	178	68	10	59
2002	166	55	6	51
2003	154	45	1	39
2004	145	52	2	40

<sup>30</sup> The Administrative Office of the Courts publishes an annual report which contains this information for each *fiscal* year. The AOC numbers are based on actual file records accumulated rather than on notices of appeal filed. The numbers may not add up exactly because some cases are filed late in a year and are not reviewed or disposed until the next year.

Table 52 compares the number of trials reported on the Statistical Data Form with the number of appeals reported by the AOC. It is quite possible there are more workers' compensation trials conducted in Tennessee annually than the number for which a Statistical Data Form is filed, despite the clear language of both the statute and the form indicating an SD-1 form is to be filed when the final trial order is submitted to the trial court. If so, the appeals percentage would be lower. However, at this point it is impossible to determine for certain the number of trials conducted each year.

**Table 52: Comparison of Number of Trials to Number of Appeals Filed**

<b>Year</b>	<b>Number of Trials Reported on SD-1 Forms</b>	<b>Number of Appeals Filed with Supreme Court</b>	<b>Percent of Trial Verdicts Appealed</b>
2000	321	193	60.1%
2001	247	178	72.1%
2002	243	166	68.3%
2003	304	124	40.8%
2004	380	145	38.2%

## CONCLUSION

The primary intent of the statistical portion of the annual report is to give the reader a snapshot of calendar year 2004 Tennessee workers' compensation data. As this is the fifth year captured data is available from the Department of Labor and Workforce Development, recent historical data is also reported. Having five years of data helps to put each year in perspective and allows interested parties to monitor trends. From these trends the following statements can be made about the workers' compensation system in Tennessee from calendar years 2000 to 2004:

- cases in general are taking longer to conclude from date of injury to date of conclusion
- the time from the date of injury to the date of MMI continues to increase
- the time from the date of MMI to the date of conclusion continues to increase
- the average age of injured workers is slowly increasing
- the average weekly compensation rate for injured workers continues to rise
- mean PPD multipliers in general are slowly increasing for BAW, arm and leg cases
- mean body as a whole permanent partial disability awards are increasing
- the percent of psychological injuries claimed is consistent over the years reviewed
- there are fewer permanent total disability and death cases
- the number of trials being appealed increased because of the total number of cases increased, however the percent of trials appealed decreased

Throughout the previous pages of this report, the numbers given have been average amounts, permitting per case comparisons. It is also important to consider what is happening with permanent disability cases in Tennessee as a whole. The following five figures indicate the percent of all

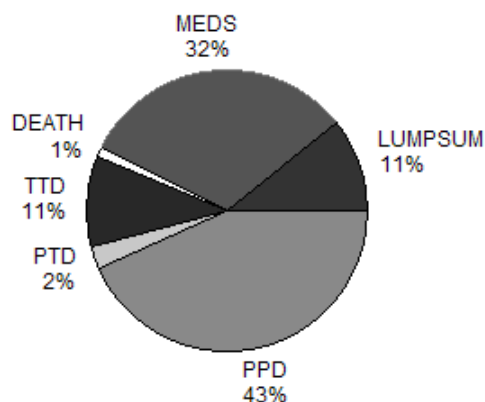


medical and indemnity dollars<sup>31</sup> reported on SD-1 forms for calendar years 2000 to 2004. These medical data reported is the amount paid as of the date the case is closed with the state agency and does not reflect any additional medical payments over the course of the employee's lifetime. These data do not include monetary amounts paid in medical only claims.

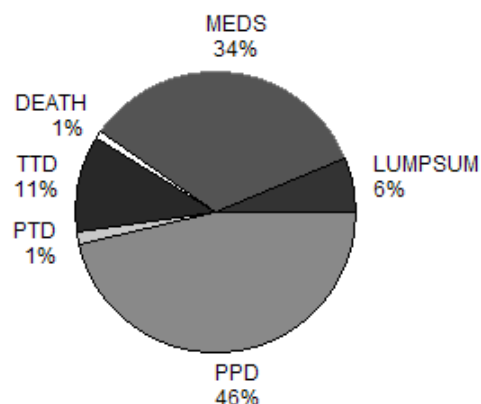
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<sup>31</sup> It is not possible to determine the exact composition of the lump sum category. A lump sum could represent permanent partial disability, medical amounts (including money paid to close medicals) or a combination.

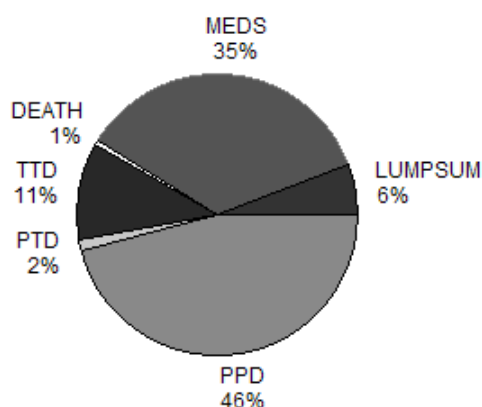
### CY2000 Percent of Workers' Compensation Dollars for Tennessee Permanent Disability Claims



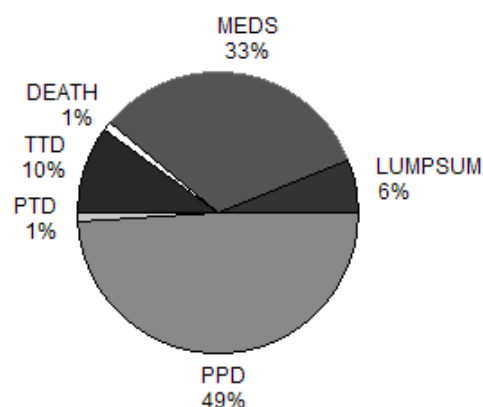
### CY2001 Percent of Workers' Compensation Dollars for Tennessee Permanent Disability Claims



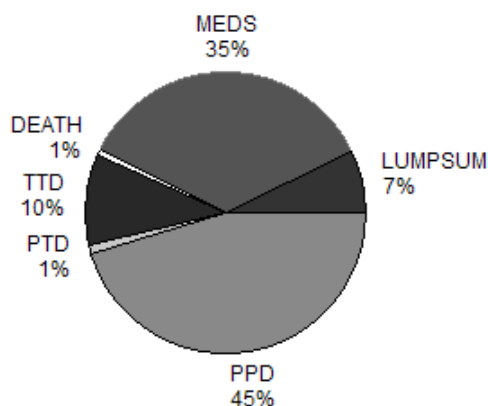
### CY2002 Percent of Workers' Compensation Dollars for Tennessee Permanent Disability Claims



### CY2003 Percent of Workers' Compensation Dollars for Tennessee Permanent Disability Claims



### CY2004 Percent of Workers' Compensation Dollars for Tennessee Permanent Disability Claims



## **APPENDIX 1**

### **STATEWIDE AND JUDICIAL DISTRICT SUMMARIES OF 2000 - 2004 TENNESSEE WORKERS' COMPENSATION DATA**

The following pages summarize most of the data presented previously in this report. Also included is statewide and judicial district data for calendar years 2000 to 2004. The summaries are provided to give the reader a quick reference tool for comparing variables and viewing trends. For a list of the counties that are in each judicial district, please see the map on page 120 or Table 1 on page 123.

Summary of Closed Case Data for All of Tennessee					
	2000	2001	2002	2003	2004
	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	41.6	42.5	44.0	44.7	45.9
Number of Weeks from MMI to Conclusion	38.6	38.9	38.7	41.2	44.4
Number of Weeks from Injury to Conclusion	83.8	85.4	85.7	90.7	94.4
<b>Case Information</b>					
Average Age at Date of Injury	41.5	41.6	41.8	42.9	43.2
Percent of Employees with Less Than a High School Education	20.5%	20.8%	19.0%	20.4%	18.7%
Percent of Employees a High School Education	59.4%	59.1%	57.2%	54.9%	58.2%
Percent of Employees with More Than a High School Education	20.1%	20.2%	23.8%	24.7%	23.1%
Average Weekly Compensation Rate	\$319.10	\$331.32	\$342.07	\$355.60	\$367.77
Average Number of Weeks of TTD Benefits	18.2	18.3	20.9	20.8	22.2
Average Monetary Amount of TTD Benefits	\$6,116.74	\$6,594.42	\$6,885.68	\$7,282.93	\$7,753.45
Average Monetary Amount of Medical Benefits/Expenses	\$14,618.33	\$15,680.80	\$16,772.33	\$17,834.84	\$19,850.35
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.6
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.2
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	20.0
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$31,050.29
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.2
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.3
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	37.6
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$50,226.98
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	7.6
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.0
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	18.0
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$13,425.45
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	11.4
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.7
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	30.8
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$19,056.63
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.8
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.7
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	20.7
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$16,100.81
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	14.2
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.5
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	38.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$24,077.05
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.3%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.7%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.4%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.4%

Summary of Closed Case Data for Judicial District 1					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	41.6	42.5	44.0	44.7	43.3
Number of Weeks from MMI to Conclusion	49.5	51.2	50.0	48.6	48.4
Number of Weeks from Injury to Conclusion	100.9	116.9	98.2	96.6	91.8
<b>Case Information</b>					
Average Age at Date of Injury	41.4	40.0	39.7	42.2	42.8
Percent of Employees with Less Than a High School Education	28.8%	24.2%	22.2%	28.5%	22.9%
Percent of Employees a High School Education	48.2%	60.0%	59.5%	47.7%	53.2%
Percent of Employees with More Than a High School Education	23.0%	15.8%	18.3%	23.8%	23.9%
Average Weekly Compensation Rate	\$275.96	\$251.39	\$295.36	\$312.60	\$325.74
Average Number of Weeks of TTD Benefits	26.1	22.3	27.1	23.1	24.1
Average Monetary Amount of TTD Benefits	\$7,574.60	\$6,437.28	\$7,747.97	\$7,220.60	\$6,806.63
Average Monetary Amount of Medical Benefits/Expenses	\$16,498.48	\$15,924.48	\$17,152.67	\$18,439.58	\$29,054.30
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.4
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	19.6
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$27,869.47
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.1
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.3
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	38.9
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$37,836.40
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	5.8
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	13.5
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$10,041.15
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	15.8
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.3
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	36.8
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$17,465.77
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	10.2
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.6
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	21.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$13,946.87
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	15.5
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.6
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	39.3
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$25,241.61
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.2%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.2%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.6%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.6%

Summary of Closed Case Data for Judicial District 2					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	69.8	51.0	50.6	52.2	49.4
Number of Weeks from MMI to Conclusion	48.0	46.2	53.1	42.8	45.3
Number of Weeks from Injury to Conclusion	116.8	114.2	110.8	100.0	102.3
<b>Case Information</b>					
Average Age at Date of Injury	42.9	42.0	43.0	42.5	42.1
Percent of Employees with Less Than a High School Education	24.2%	22.6%	24.1%	27.4%	19.0%
Percent of Employees a High School Education	52.3%	51.9%	46.8%	44.7%	54.6%
Percent of Employees with More Than a High School Education	23.5%	25.5%	29.1%	27.9%	26.4%
Average Weekly Compensation Rate	\$287.38	\$306.48	\$307.82	\$328.86	\$341.92
Average Number of Weeks of TTD Benefits	29.3	24.9	31.9	28.6	33.3
Average Monetary Amount of TTD Benefits	\$8,611.84	\$8,096.13	\$9,377.52	\$9,084.56	\$10,026.89
Average Monetary Amount of Medical Benefits/Expenses	\$16,498.48	\$15,924.48	\$17,152.67	\$18,439.58	\$20,167.90
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.5
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	17.4
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$25,099.36
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.2
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.3
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	38.4
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$33,288.95
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	6.1
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	12.7
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,392.72
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	4.0
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.9
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	14.5
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$6,778.56
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.0
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.3
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	16.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$12,359.89
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	5.5
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.4
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	18.2
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$8,083.54
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	3.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.5%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.5%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.5%

Summary of Closed Case Data for Judicial District 3					
	2000	2001	2002	2003	2004
	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	41.9	46.4	46.6	44.7	46.5
Number of Weeks from MMI to Conclusion	43.2	42.1	46.5	36.1	43.1
Number of Weeks from Injury to Conclusion	91.6	92.7	98.0	81.1	90.8
<b>Case Information</b>					
Average Age at Date of Injury	40.7	41.4	40.0	42.7	42.8
Percent of Employees with Less Than a High School Education	27.5%	31.5%	22.7%	24.6%	20.3%
Percent of Employees a High School Education	60.5%	53.0%	57.6%	59.1%	61.5%
Percent of Employees with More Than a High School Education	12.0%	15.5%	19.7%	16.3%	18.2%
Average Weekly Compensation Rate	\$279.98	\$299.87	\$313.90	\$330.46	\$340.38
Average Number of Weeks of TTD Benefits	19.8	18.3	23.1	21.8	23.5
Average Monetary Amount of TTD Benefits	\$5,391.46	\$7,978.90	\$7,524.66	\$7,646.20	\$7,382.17
Average Monetary Amount of Medical Benefits/Expenses	\$13,735.18	\$14,317.28	\$19,007.89	\$15,238.96	\$16,345.09
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	7.4
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.3
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	19.2
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$27,483.16
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	16.0
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.0
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	39.8
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$37,655.77
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.0
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.5
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	24.1
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$16,266.14
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	8.2
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.3
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	24.8
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$11,516.19
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	6.3
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.9
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	19.2
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,075.29
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	19.1
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.9
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	40.4
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$23,857.07
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.5%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.1%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.8%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 4					
	2000	2001	2002	2003	2004
	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	50.7	45.4	44.8	47.9	42.6
Number of Weeks from MMI to Conclusion	49.2	53.5	62.1	41.6	47.0
Number of Weeks from Injury to Conclusion	104.1	113.5	107.6	94.6	93.5
<b>Case Information</b>					
Average Age at Date of Injury	41.5	41.4	42.5	43.6	44.2
Percent of Employees with Less Than a High School Education	27.6%	27.3%	28.1%	19.5%	22.8%
Percent of Employees a High School Education	60.4%	54.5%	41.2%	57.0%	56.6%
Percent of Employees with More Than a High School Education	11.9%	18.2%	30.7%	23.5%	20.6%
Average Weekly Compensation Rate	\$276.62	\$272.52	\$294.52	\$308.84	\$309.52
Average Number of Weeks of TTD Benefits	22.9	20.9	27.2	21.6	23.7
Average Monetary Amount of TTD Benefits	\$7,872.89	\$5,821.82	\$6,896.10	\$6,567.71	\$7,622.42
Average Monetary Amount of Medical Benefits/Expenses	\$21,289.76	\$15,690.52	\$17,807.10	\$15,355.64	\$19,537.92
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	8.8
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.2
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	18.8
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$28,065.94
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	16.1
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.9
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	40.2
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$54,771.17
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	6.9
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	16.9
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$9,162.85
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	11.1
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.2
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	34.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$19,441.95
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.5
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.7
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	21.1
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,937.17
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	16.0
Average PPD Multiplier	3.3	3.3	3.4	3.3	5.0
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	46.1
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$37,264.35
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	3.1%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.6%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.3%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%



Summary of Closed Case Data for Judicial District 5					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	54.8	56.2	55.4	38.9	54.6
Number of Weeks from MMI to Conclusion	62.1	59.6	69.3	33.4	45.4
Number of Weeks from Injury to Conclusion	117.1	109.0	129.0	84.3	106.5
<b>Case Information</b>					
Average Age at Date of Injury	45.6	44.3	40.3	43.7	44.9
Percent of Employees with Less Than a High School Education	18.0%	8.6%	22.7%	15.4%	18.0%
Percent of Employees a High School Education	60.0%	58.6%	48.5%	62.5%	58.6%
Percent of Employees with More Than a High School Education	22.0%	32.8%	28.8%	22.1%	23.4%
Average Weekly Compensation Rate	\$290.48	\$306.16	\$312.39	\$353.16	\$356.20
Average Number of Weeks of TTD Benefits	24.2	18.2	26.8	24.0	27.7
Average Monetary Amount of TTD Benefits	\$7,091.76	\$5,219.35	\$8,289.00	\$7,934.08	\$9,962.17
Average Monetary Amount of Medical Benefits/Expenses	\$22,991.64	\$13,381.58	\$16,031.45	\$14,439.00	\$22,424.44
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	8.7
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.2
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	16.8
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$23,249.92
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	7.8
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.2
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	24.6
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$37,423.91
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	5.1
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.1
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	14.3
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$8,828.83
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	5.5
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.8
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	24.9
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$14,665.78
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	5.5
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.8
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	14.0
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,880.86
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	16.4
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.9
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	40.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$27,973.36
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	3.1%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.3%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.6%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 6					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	40.6	46.3	45.2	41.8	46.4
Number of Weeks from MMI to Conclusion	32.4	37.5	38.6	36.0	44.3
Number of Weeks from Injury to Conclusion	75.6	87.4	91.0	82.8	97.1
<b>Case Information</b>					
Average Age at Date of Injury	41.3	41.3	42.7	42.5	45.1
Percent of Employees with Less Than a High School Education	19.2%	19.3%	16.7%	14.3%	16.3%
Percent of Employees a High School Education	54.5%	56.8%	59.9%	52.6%	51.8%
Percent of Employees with More Than a High School Education	26.3%	23.9%	23.4%	33.1%	32.0%
Average Weekly Compensation Rate	\$307.26	\$319.81	\$323.32	\$363.27	\$360.81
Average Number of Weeks of TTD Benefits	17.9	20.6	21.8	21.3	25.0
Average Monetary Amount of TTD Benefits	\$5,580.59	\$6,877.71	\$6,666.13	\$7,452.24	\$8,414.39
Average Monetary Amount of Medical Benefits/Expenses	\$14,324.45	\$16,076.26	\$16,933.94	\$13,930.79	\$18,652.72
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.8
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.4
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	21.1
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$29,249.92
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	11.8
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.4
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	37.8
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$53,033.76
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	6.4
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.9
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	15.2
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,938.41
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	7.1
Average PPD Multiplier	3.2	3.3	3.5	3.5	4.4
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	23.4
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$13,952.14
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	7.9
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.8
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	18.5
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,439.42
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	11.1
Average PPD Multiplier	3.3	3.3	3.4	3.3	4.4
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	33.3
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$18,786.28
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.6%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.1%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.1%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.5%

Summary of Closed Case Data for Judicial District 7					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	49.6	56.6	50.5	51.0	53.2
Number of Weeks from MMI to Conclusion	49.4	57.5	50.1	50.0	60.1
Number of Weeks from Injury to Conclusion	96.1	121.0	108.2	130.1	132.6
<b>Case Information</b>					
Average Age at Date of Injury	42.7	42.1	42.3	47.0	48.7
Percent of Employees with Less Than a High School Education	11.2%	15.5%	12.4%	9.3%	12.4%
Percent of Employees a High School Education	73.2%	57.4%	62.0%	73.0%	70.3%
Percent of Employees with More Than a High School Education	15.6%	27.1%	25.6%	17.7%	17.3%
Average Weekly Compensation Rate	\$361.51	\$349.63	\$365.88	\$409.38	\$416.46
Average Number of Weeks of TTD Benefits	17.8	18.8	18.8	20.0	22.2
Average Monetary Amount of TTD Benefits	\$6,414.51	\$7,526.65	\$6,543.21	\$7,930.70	\$7,582.61
Average Monetary Amount of Medical Benefits/Expenses	\$14,504.42	\$13,290.69	\$14,578.39	\$13,490.34	\$16,368.63
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.4
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.7
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	27.8
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$45,894.04
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	10.1
Average PPD Multiplier	3.1	3.2	3.2	3.2	4.7
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	43.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$55,081.78
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	8.0
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.6
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	25.8
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$21,833.80
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	8.0
Average PPD Multiplier	3.2	3.3	3.5	3.5	4.5
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	37.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$22,085.40
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	9.0
Average PPD Multiplier	2.7	2.7	2.7	2.8	4.3
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	29.8
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$24,610.69
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	15.8
Average PPD Multiplier	3.3	3.3	3.4	3.3	5.0
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	54.7
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$39,970.36
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.6%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.1%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.3%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.3%

Summary of Closed Case Data for Judicial District 8					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	49.4	49.8	50.5	48.2	54.2
Number of Weeks from MMI to Conclusion	51.6	55.8	55.3	49.4	66.4
Number of Weeks from Injury to Conclusion	115.8	114.2	112.1	103.8	120.3
<b>Case Information</b>					
Average Age at Date of Injury	38.4	39.5	40.4	42.5	39.8
Percent of Employees with Less Than a High School Education	37.1%	36.3%	30.6%	30.6%	27.8%
Percent of Employees a High School Education	49.5%	50.8%	55.6%	50.6%	52.8%
Percent of Employees with More Than a High School Education	13.3%	12.9%	13.9%	18.8%	19.3%
Average Weekly Compensation Rate	\$271.76	\$273.79	\$275.94	\$316.26	\$313.90
Average Number of Weeks of TTD Benefits	26.1	20.7	31.2	22.7	25.3
Average Monetary Amount of TTD Benefits	\$8,799.70	\$6,108.90	\$7,745.52	\$7,457.69	\$8,114.71
Average Monetary Amount of Medical Benefits/Expenses	\$18,175.19	\$17,196.14	\$19,249.85	\$15,958.02	\$22,934.05
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	11.3
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.3
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	25.3
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$36,074.56
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	10.4
Average PPD Multiplier	3.1	3.2	3.2	3.2	4.5
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	46.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$68,929.64
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	4.8
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.2
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	15.5
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$8,268.21
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	12.2
Average PPD Multiplier	3.2	3.3	3.5	3.5	5.5
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	44.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$26,065.81
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.3
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.3
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	22.7
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$27,860.06
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	14.6
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.8
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	40.6
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$19,806.13
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	3.9%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.3%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	1.3%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 9					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	51.4	57.3	74.9	51.8	50.6
Number of Weeks from MMI to Conclusion	52.5	53.3	47.0	44.0	46.4
Number of Weeks from Injury to Conclusion	100.8	115.4	115.7	138.9	129.8
<b>Case Information</b>					
Average Age at Date of Injury	42.5	44.4	44.5	48.6	47.1
Percent of Employees with Less Than a High School Education	16.5%	20.2%	18.9%	19.4%	17.1%
Percent of Employees a High School Education	62.9%	62.6%	55.8%	57.3%	63.2%
Percent of Employees with More Than a High School Education	20.6%	17.2%	25.3%	23.3%	19.7%
Average Weekly Compensation Rate	\$325.15	\$327.17	\$358.14	\$371.51	\$383.63
Average Number of Weeks of TTD Benefits	25.0	28.8	28.7	23.2	25.0
Average Monetary Amount of TTD Benefits	\$8,945.76	\$11,553.35	\$9,566.08	\$8,515.07	\$8,538.71
Average Monetary Amount of Medical Benefits/Expenses	\$16,572.07	\$23,806.03	\$19,072.90	\$15,515.53	\$20,711.85
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.7
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.3
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	21.5
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$27,998.61
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	12.8
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.9
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	31.4
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$39,577.26
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	8.8
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.1
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	22.4
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$18,778.41
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	5.3
Average PPD Multiplier	3.2	3.3	3.5	3.5	5.9
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	29.4
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$24,385.89
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	10.7
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.0
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	29.3
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$21,392.39
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	12.7
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.7
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	42.2
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$21,010.16
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	4.4%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.7%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.3%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.3%

Summary of Closed Case Data for Judicial District 10					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	50.2	56.9	59.4	55.8	57.8
Number of Weeks from MMI to Conclusion	47.1	46.6	42.6	51.5	49.2
Number of Weeks from Injury to Conclusion	107.5	105.0	106.5	115.4	110.5
<b>Case Information</b>					
Average Age at Date of Injury	40.3	43.3	42.0	42.1	42.4
Percent of Employees with Less Than a High School Education	30.3%	26.8%	28.2%	22.8%	18.2%
Percent of Employees a High School Education	54.1%	52.1%	56.5%	56.9%	58.9%
Percent of Employees with More Than a High School Education	15.6%	21.1%	15.3%	20.3%	22.9%
Average Weekly Compensation Rate	\$286.72	\$300.93	\$314.57	\$317.43	\$350.10
Average Number of Weeks of TTD Benefits	23.5	24.1	30.8	26.7	29.1
Average Monetary Amount of TTD Benefits	\$8,036.35	\$8,759.18	\$9,825.97	\$8,039.98	\$9,161.87
Average Monetary Amount of Medical Benefits/Expenses	\$16,743.56	\$24,325.58	\$20,780.73	\$20,534.13	\$20,651.65
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	11.3
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.3
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	21.5
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$33,924.81
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	14.9
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.7
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	41.7
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$51,878.43
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.0
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.5
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	16.2
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,887.21
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	21.2
Average PPD Multiplier	3.2	3.3	3.5	3.5	4.6
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	45.4
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$27,855.78
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	11.0
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.4
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	22.3
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,539.89
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	18.9
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.5
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	46.2
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$25,089.31
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.5%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.4%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.4%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 11					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	48.2	49.2	51.3	49.6	55.8
Number of Weeks from MMI to Conclusion	36.1	33.4	36.5	38.2	43.3
Number of Weeks from Injury to Conclusion	89.2	85.7	93.0	92.9	99.7
<b>Case Information</b>					
Average Age at Date of Injury	41.7	41.7	42.3	42.8	43.4
Percent of Employees with Less Than a High School Education	19.4%	24.4%	21.7%	23.8%	19.2%
Percent of Employees a High School Education	62.4%	55.5%	51.7%	47.2%	53.1%
Percent of Employees with More Than a High School Education	18.2%	20.2%	26.6%	29.0%	27.8%
Average Weekly Compensation Rate	\$322.74	\$328.04	\$330.12	\$346.94	\$340.41
Average Number of Weeks of TTD Benefits	20.8	21.5	26.9	28.8	27.8
Average Monetary Amount of TTD Benefits	\$7,630.95	\$8,001.86	\$8,768.24	\$10,186.92	\$8,979.50
Average Monetary Amount of Medical Benefits/Expenses	\$15,506.15	\$18,923.41	\$18,478.15	\$24,610.09	\$20,188.19
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	8.7
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.2
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	18.9
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$23,599.43
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.2
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.4
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	38.4
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$51,683.33
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	5.9
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.7
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	15.0
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$10,024.90
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	14.1
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.7
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	36.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$24,656.91
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.4
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.8
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	20.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,051.36
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	14.8
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.4
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	35.4
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$20,657.61
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.6%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.7%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.1%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 12					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	50.7	43.3	49.7	53.2	61.9
Number of Weeks from MMI to Conclusion	51.1	65.1	52.4	42.6	48.2
Number of Weeks from Injury to Conclusion	109.2	114.3	106.8	110.6	111.0
<b>Case Information</b>					
Average Age at Date of Injury	40.8	41.3	40.8	40.9	41.9
Percent of Employees with Less Than a High School Education	28.1%	28.6%	21.8%	32.8%	23.2%
Percent of Employees a High School Education	58.1%	57.1%	60.4%	52.5%	56.1%
Percent of Employees with More Than a High School Education	13.8%	14.3%	17.8%	14.8%	20.7%
Average Weekly Compensation Rate	\$284.91	\$302.97	\$301.34	\$319.57	\$351.52
Average Number of Weeks of TTD Benefits	25.8	21.5	31.0	24.4	33.1
Average Monetary Amount of TTD Benefits	\$8,876.85	\$7,457.77	\$9,193.80	\$8,124.62	\$11,034.54
Average Monetary Amount of Medical Benefits/Expenses	\$15,958.74	\$16,509.01	\$18,444.65	\$19,981.58	\$22,333.07
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	12.0
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.4
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	26.6
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$32,449.03
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	11.9
Average PPD Multiplier	3.1	3.2	3.2	3.2	4.3
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	44.3
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$66,506.56
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	5.9
Average PPD Multiplier	2.7	2.8	2.8	2.9	4.4
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	18.3
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$13,040.25
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	6.7
Average PPD Multiplier	3.2	3.3	3.5	3.5	4.6
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	30.1
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$13,501.03
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	12.4
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.2
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	34.4
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,449.40
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	11.3
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.3
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	40.2
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$17,549.54
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.8%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.3%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	1.8%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	1.3%



Summary of Closed Case Data for Judicial District 13					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	48.5	44.7	52.2	53.0	48.8
Number of Weeks from MMI to Conclusion	43.2	45.6	47.2	48.7	56.3
Number of Weeks from Injury to Conclusion	93.4	103.0	99.4	100.3	108.2
<b>Case Information</b>					
Average Age at Date of Injury	41.1	41.9	42.4	42.8	43.9
Percent of Employees with Less Than a High School Education	30.7%	29.5%	22.5%	25.4%	26.9%
Percent of Employees a High School Education	53.6%	58.4%	56.3%	51.4%	56.3%
Percent of Employees with More Than a High School Education	15.7%	12.1%	21.1%	23.2%	16.8%
Average Weekly Compensation Rate	\$269.92	\$291.53	\$290.80	\$326.57	\$330.11
Average Number of Weeks of TTD Benefits	23.0	18.3	34.5	17.9	27.4
Average Monetary Amount of TTD Benefits	\$6,290.06	\$6,359.20	\$10,852.79	\$6,151.85	\$8,977.43
Average Monetary Amount of Medical Benefits/Expenses	\$14,525.10	\$17,900.85	\$20,573.35	\$16,214.40	\$22,478.15
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.7
Average PPD Multiplier	2.2	2.2	2.3	2.2	3.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	27.4
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$35,893.20
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	17.6
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.7
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	53.6
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$71,552.14
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.1
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	26.1
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$15,548.22
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	16.5
Average PPD Multiplier	3.2	3.3	3.5	3.5	5.6
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	52.6
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$36,633.64
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	11.3
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.3
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	26.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,097.85
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	9.4
Average PPD Multiplier	3.3	3.3	3.4	3.3	4.4
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	35.2
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$24,399.14
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.1%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.8%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	1.5%

Summary of Closed Case Data for Judicial District 14					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	36.1	50.4	42.5	40.4	53.2
Number of Weeks from MMI to Conclusion	41.3	47.4	55.0	46.4	43.7
Number of Weeks from Injury to Conclusion	90.0	108.2	103.4	93.0	100.7
<b>Case Information</b>					
Average Age at Date of Injury	40.6	45.5	42.1	44.8	41.8
Percent of Employees with Less Than a High School Education	33.3%	30.2%	23.8%	21.8%	20.0%
Percent of Employees a High School Education	50.0%	50.9%	57.1%	61.8%	55.6%
Percent of Employees with More Than a High School Education	16.7%	18.9%	19.0%	16.4%	24.4%
Average Weekly Compensation Rate	\$294.81	\$311.12	\$322.21	\$354.57	\$360.06
Average Number of Weeks of TTD Benefits	19.3	22.1	18.5	17.6	21.6
Average Monetary Amount of TTD Benefits	\$5,231.36	\$5,874.39	\$5,491.82	\$5,884.09	\$6,070.14
Average Monetary Amount of Medical Benefits/Expenses	\$11,871.74	\$24,817.09	\$14,271.85	\$19,748.21	\$20,658.69
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.5
Average PPD Multiplier	2.2	2.2	2.3	2.2	3.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	29.1
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$37,871.37
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	11.6
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.7
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	32.8
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$51,999.37
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	6.3
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.2
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	18.2
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$14,036.91
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	6.0
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.0
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	18.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$12,977.28
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	10.0
Average PPD Multiplier	2.7	2.7	2.7	2.8	1.8
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	17.5
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$8,804.55
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	13.0
Average PPD Multiplier	3.3	3.3	3.4	3.3	5.5
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	68.5
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$16,102.97
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	4.8%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.6%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 15					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	46.4	45.3	45.4	41.0	41.9
Number of Weeks from MMI to Conclusion	47.6	49.9	52.2	44.7	57.8
Number of Weeks from Injury to Conclusion	99.8	99.2	96.1	89.1	101.6
<b>Case Information</b>					
Average Age at Date of Injury	42.8	41.0	41.3	41.2	44.4
Percent of Employees with Less Than a High School Education	32.8%	29.2%	20.2%	28.9%	26.8%
Percent of Employees a High School Education	55.2%	56.2%	56.6%	54.6%	59.5%
Percent of Employees with More Than a High School Education	11.9%	14.6%	23.2%	16.5%	13.7%
Average Weekly Compensation Rate	\$309.71	\$322.87	\$361.15	\$356.74	\$405.54
Average Number of Weeks of TTD Benefits	18.9	20.4	19.9	18.3	20.7
Average Monetary Amount of TTD Benefits	\$5,898.11	\$8,001.34	\$6,735.09	\$5,901.35	\$7,855.94
Average Monetary Amount of Medical Benefits/Expenses	\$15,043.22	\$18,499.87	\$17,771.75	\$19,565.13	\$15,474.37
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.4
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.5
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	25.6
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$44,021.80
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	6.6
Average PPD Multiplier	3.1	3.2	3.2	3.2	4.3
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	27.8
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$38,886.55
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	7.8
Average PPD Multiplier	2.7	2.8	2.8	2.9	4.1
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	24.7
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$18,302.50
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	10.7
Average PPD Multiplier	3.2	3.3	3.5	3.5	4.8
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	45.4
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$29,613.54
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	10.9
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.5
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	30.9
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$25,423.84
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	18.5
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.2
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	31.8
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$17,237.21
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	1.5%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.5%

Summary of Closed Case Data for Judicial District 16					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	43.7	47.2	50.1	47.0	45.4
Number of Weeks from MMI to Conclusion	38.0	37.3	39.9	46.1	48.2
Number of Weeks from Injury to Conclusion	87.3	87.2	94.2	93.5	95.9
<b>Case Information</b>					
Average Age at Date of Injury	40.2	40.9	40.9	41.2	43.0
Percent of Employees with Less Than a High School Education	13.7%	13.0%	12.5%	14.2%	17.6%
Percent of Employees a High School Education	68.8%	66.3%	64.8%	62.2%	58.7%
Percent of Employees with More Than a High School Education	17.5%	20.7%	22.6%	23.6%	23.7%
Average Weekly Compensation Rate	\$416.23	\$438.81	\$429.37	\$439.00	\$464.05
Average Number of Weeks of TTD Benefits	14.8	17.1	22.9	18.3	20.3
Average Monetary Amount of TTD Benefits	\$6,480.40	\$8,387.29	\$9,392.91	\$7,937.78	\$9,207.77
Average Monetary Amount of Medical Benefits/Expenses	\$12,700.58	\$15,163.22	\$16,678.89	\$15,344.29	\$20,353.20
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.0
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	18.7
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$36,386.57
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	16.6
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.9
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	40.5
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$61,596.75
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	4.3
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	14.2
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$16,067.59
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	8.7
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.2
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	24.8
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$19,538.90
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	7.8
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.2
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	18.1
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$20,255.94
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	7.9
Average PPD Multiplier	3.3	3.3	3.4	3.3	4.1
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	30.5
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$23,364.80
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.8%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.5%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.7%

### Summary of Closed Case Data for Judicial District 17

	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	41.9	41.5	47.4	47.0	49.7
Number of Weeks from MMI to Conclusion	48.6	47.9	46.9	40.7	42.6
Number of Weeks from Injury to Conclusion	94.5	98.4	93.1	91.2	97.4
<b>Case Information</b>					
Average Age at Date of Injury	40.6	40.4	42.2	43.0	42.9
Percent of Employees with Less Than a High School Education	20.8%	22.4%	22.6%	29.4%	36.0%
Percent of Employees a High School Education	62.5%	60.5%	66.1%	54.9%	52.8%
Percent of Employees with More Than a High School Education	16.7%	17.1%	11.3%	15.7%	11.2%
Average Weekly Compensation Rate	\$296.51	\$314.29	\$321.87	\$350.51	\$361.79
Average Number of Weeks of TTD Benefits	21.1	17.9	27.0	14.8	25.4
Average Monetary Amount of TTD Benefits	\$6,870.75	\$6,741.10	\$9,403.03	\$4,918.20	\$8,827.77
Average Monetary Amount of Medical Benefits/Expenses	\$17,436.39	\$11,747.12	\$14,769.03	\$14,750.38	\$23,819.35
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	13.5
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	26.0
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$37,139.97
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.9
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.0
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	39.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$38,085.84
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	7.0
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	15.9
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$13,175.77
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	9.3
Average PPD Multiplier	3.2	3.3	3.5	3.5	2.7
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	24.9
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$15,379.96
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	17.4
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.1
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	34.2
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$29,039.48
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	10.8
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.4
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	37.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$19,529.82
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	0.8%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.8%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.8%

Summary of Closed Case Data for Judicial District 18					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	44.5	41.3	49.9	40.8	48.7
Number of Weeks from MMI to Conclusion	49.9	44.5	53.7	52.6	51.7
Number of Weeks from Injury to Conclusion	100.6	89.4	109.4	96.1	103.9
<b>Case Information</b>					
Average Age at Date of Injury	40.2	44.0	39.7	42.6	41.4
Percent of Employees with Less Than a High School Education	22.7%	22.8%	30.4%	38.2%	27.1%
Percent of Employees a High School Education	52.0%	65.8%	51.9%	43.8%	61.5%
Percent of Employees with More Than a High School Education	25.3%	11.4%	17.7%	18.0%	11.5%
Average Weekly Compensation Rate	\$312.23	\$320.62	\$319.48	\$358.07	\$376.26
Average Number of Weeks of TTD Benefits	16.5	17.5	25.9	18.2	18.8
Average Monetary Amount of TTD Benefits	\$6,156.85	\$7,298.52	\$8,222.17	\$6,258.87	\$7,580.94
Average Monetary Amount of Medical Benefits/Expenses	\$15,748.45	\$16,870.68	\$23,547.47	\$21,345.30	\$24,220.99
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.6
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	20.0
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$33,676.74
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	15.3
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.0
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	42.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$66,432.77
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.4
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	20.5
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$15,887.20
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	
Average PPD Multiplier	3.2	3.3	3.5	3.5	
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	9.9
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.7
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	20.8
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,328.75
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	11.0
Average PPD Multiplier	3.3	3.3	3.4	3.3	7.3
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	41.5
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$18,523.61
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	0.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.8%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.8%

Summary of Closed Case Data for Judicial District 19					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	45.9	42.7	46.0	51.4	41.2
Number of Weeks from MMI to Conclusion	55.8	48.6	60.1	57.7	70.1
Number of Weeks from Injury to Conclusion	102.0	93.8	115.1	113.9	118.3
<b>Case Information</b>					
Average Age at Date of Injury	41.0	40.0	42.4	44.1	40.5
Percent of Employees with Less Than a High School Education	11.2%	15.6%	19.8%	17.2%	18.7%
Percent of Employees a High School Education	67.3%	57.3%	57.8%	54.1%	62.6%
Percent of Employees with More Than a High School Education	21.5%	27.1%	22.4%	28.7%	18.7%
Average Weekly Compensation Rate	\$302.11	\$323.82	\$329.06	\$339.00	\$325.99
Average Number of Weeks of TTD Benefits	16.4	19.8	23.4	21.1	18.6
Average Monetary Amount of TTD Benefits	\$5,346.30	\$7,649.14	\$7,705.49	\$7,135.71	\$6,053.28
Average Monetary Amount of Medical Benefits/Expenses	\$13,910.57	\$17,802.03	\$14,924.58	\$15,676.44	\$15,331.24
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.9
Average PPD Multiplier	2.2	2.2	2.3	2.2	3.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	25.8
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$31,414.39
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	12.4
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.8
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	34.8
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$46,954.31
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	5.6
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.5
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	18.3
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,361.13
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	9.9
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.9
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	29.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$14,108.92
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	11.6
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.6
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	25.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$17,159.19
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	11.3
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.8
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	32.5
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$17,434.80
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 20					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	38.7	37.2	42.2	39.6	40.4
Number of Weeks from MMI to Conclusion	30.2	30.5	32.1	32.1	33.6
Number of Weeks from Injury to Conclusion	70.5	70.1	75.7	73.9	77.1
<b>Case Information</b>					
Average Age at Date of Injury	41.8	41.8	41.9	42.8	42.9
Percent of Employees with Less Than a High School Education	20.3%	19.1%	21.5%	21.8%	17.6%
Percent of Employees a High School Education	56.1%	57.3%	51.7%	51.1%	55.9%
Percent of Employees with More Than a High School Education	23.6%	23.6%	26.8%	27.1%	26.5%
Average Weekly Compensation Rate	\$337.06	\$350.60	\$356.54	\$365.25	\$380.82
Average Number of Weeks of TTD Benefits	16.7	17.1	19.4	18.6	20.0
Average Monetary Amount of TTD Benefits	\$5,880.06	\$6,320.82	\$6,757.98	\$6,723.72	\$7,140.42
Average Monetary Amount of Medical Benefits/Expenses	\$15,446.04	\$15,539.22	\$18,407.41	\$19,511.96	\$20,640.85
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	8.5
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	16.8
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$28,864.58
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.3
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.1
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	36.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$50,908.33
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	6.1
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.7
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	14.3
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,150.88
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	10.3
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.8
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	24.2
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$17,272.03
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	7.8
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.6
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	18.2
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,045.87
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	11.3
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.6
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	30.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$22,180.48
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.1%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.5%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.4%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.3%



Summary of Closed Case Data for Judicial District 21					
Case Length	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
Number of Weeks From Injury to MMI	47.3	43.2	55.5	41.2	50.2
Number of Weeks from MMI to Conclusion	49.2	52.6	43.3	69.6	56.5
Number of Weeks from Injury to Conclusion	97.3	103.0	96.6	113.4	105.5
<b>Case Information</b>					
Average Age at Date of Injury	45.0	40.5	42.6	43.8	42.8
Percent of Employees with Less Than a High School Education	27.8%	30.0%	18.2%	31.4%	25.0%
Percent of Employees a High School Education	50.0%	57.5%	54.5%	33.3%	48.7%
Percent of Employees with More Than a High School Education	22.2%	12.5%	27.3%	35.3%	26.3%
Average Weekly Compensation Rate	\$339.61	\$297.14	\$334.59	\$357.12	\$361.50
Average Number of Weeks of TTD Benefits	23.9	25.0	19.5	16.0	26.1
Average Monetary Amount of TTD Benefits	\$8,110.78	\$8,546.92	\$6,713.34	\$5,564.76	\$8,536.29
Average Monetary Amount of Medical Benefits/Expenses	\$19,393.58	\$31,800.63	\$21,415.40	\$19,271.07	\$20,100.84
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.8
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	21.2
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$34,986.75
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	9.7
Average PPD Multiplier	3.1	3.2	3.2	3.2	4.1
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	29.4
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$33,922.45
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	10.8
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.7
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	25.4
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$19,286.92
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	9.5
Average PPD Multiplier	3.2	3.3	3.5	3.5	2.9
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	24.3
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$26,573.48
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	9.3
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.0
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	24.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,658.89
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	43.8
Average PPD Multiplier	3.3	3.3	3.4	3.3	1.9
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	80.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$35,964.35
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

## Summary of Closed Case Data for Judicial District 22

	2000	2001	2002	2003	2004
	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	48.4	55.2	58.6	53.9	53.8
Number of Weeks from MMI to Conclusion	53.9	50.4	37.3	46.0	51.3
Number of Weeks from Injury to Conclusion	108.3	105.6	96.3	110.1	109.7
<b>Case Information</b>					
Average Age at Date of Injury	43.7	43.2	42.1	43.3	44.7
Percent of Employees with Less Than a High School Education	24.4%	23.0%	22.7%	21.2%	24.8%
Percent of Employees a High School Education	57.0%	60.8%	57.3%	57.6%	54.0%
Percent of Employees with More Than a High School Education	18.5%	16.2%	20.0%	21.2%	21.1%
Average Weekly Compensation Rate	\$331.78	\$321.51	\$341.07	\$352.40	\$391.69
Average Number of Weeks of TTD Benefits	18.9	18.5	20.6	22.7	28.8
Average Monetary Amount of TTD Benefits	\$6,265.12	\$7,634.71	\$7,615.29	\$8,158.16	\$10,650.52
Average Monetary Amount of Medical Benefits/Expenses	\$13,968.59	\$17,152.57	\$18,044.06	\$19,941.15	\$24,178.53
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.6
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.3
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	24.5
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$42,561.58
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.3
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.7
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	38.3
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$64,932.02
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	5.6
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.3
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	15.2
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,947.84
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	9.0
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.3
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	31.7
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$25,679.10
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	7.1
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.6
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	23.7
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$18,298.24
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	16.0
Average PPD Multiplier	3.3	3.3	3.4	3.3	4.1
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	64.3
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$45,792.56
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.6%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.4%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	1.7%

Summary of Closed Case Data for Judicial District 23					
	2000	2001	2002	2003	2004
Case Length	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
Number of Weeks From Injury to MMI	41.4	34.0	48.4	54.2	44.4
Number of Weeks from MMI to Conclusion	71.4	49.3	48.6	47.6	59.6
Number of Weeks from Injury to Conclusion	120.1	89.2	110.7	106.7	106.8
<b>Case Information</b>					
Average Age at Date of Injury	42.7	39.8	42.8	41.8	40.8
Percent of Employees with Less Than a High School Education	26.7%	21.9%	48.5%	21.7%	24.6%
Percent of Employees a High School Education	57.8%	71.9%	30.3%	63.3%	57.4%
Percent of Employees with More Than a High School Education	15.6%	6.3%	21.2%	15.0%	18.0%
Average Weekly Compensation Rate	\$306.68	\$326.65	\$337.10	\$368.22	\$349.78
Average Number of Weeks of TTD Benefits	18.0	14.5	27.4	21.1	24.9
Average Monetary Amount of TTD Benefits	\$5,054.79	\$5,252.79	\$6,682.79	\$7,830.16	\$8,535.69
Average Monetary Amount of Medical Benefits/Expenses	\$13,724.42	\$15,358.60	\$18,308.51	\$28,426.44	\$19,673.85
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	8.9
Average PPD Multiplier	2.2	2.2	2.3	2.2	1.9
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	13.3
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$21,792.13
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	10.4
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.4
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	36.9
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$45,568.55
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	7.9
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.5
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	21.5
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$8,908.20
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	10.8
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.8
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	40.3
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$24,524.62
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.0
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.1
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	20.0
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,881.70
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	33.8
Average PPD Multiplier	3.3	3.3	3.4	3.3	1.6
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	54.1
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$44,680.58
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.4%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 24					
	2000	2001	2002	2003	2004
Case Length	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
Number of Weeks From Injury to MMI	37.4	42.2	43.3	43.7	43.4
Number of Weeks from MMI to Conclusion	44.9	51.4	53.9	52.3	48.3
Number of Weeks from Injury to Conclusion	83.7	91.2	100.2	96.0	92.8
<b>Case Information</b>					
Average Age at Date of Injury	42.0	40.8	39.1	43.3	42.0
Percent of Employees with Less Than a High School Education	35.4%	26.7%	19.4%	30.0%	19.7%
Percent of Employees a High School Education	55.1%	59.7%	63.3%	55.2%	65.4%
Percent of Employees with More Than a High School Education	9.6%	13.6%	17.3%	14.8%	14.9%
Average Weekly Compensation Rate	\$264.38	\$274.05	\$291.45	\$300.39	\$321.61
Average Number of Weeks of TTD Benefits	15.4	16.5	20.2	15.9	19.9
Average Monetary Amount of TTD Benefits	\$4,607.71	\$4,652.55	\$6,231.35	\$4,844.83	\$6,493.92
Average Monetary Amount of Medical Benefits/Expenses	\$10,054.00	\$12,254.95	\$15,833.49	\$14,062.05	\$18,574.25
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	10.4
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.0
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	21.3
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$28,554.79
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	15.0
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.8
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	31.7
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$41,694.72
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.3
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.7
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	20.1
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$12,119.90
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	13.4
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.3
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	33.4
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$15,932.23
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	9.8
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.5
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	22.2
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$14,775.32
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	8.0
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.5
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	25.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$15,840.84
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.3%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	2.2%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

Summary of Closed Case Data for Judicial District 25					
	2000	2001	2002	2003	2004
	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	40.8	35.0	43.4	45.4	43.3
Number of Weeks from MMI to Conclusion	58.9	62.1	57.3	50.5	44.2
Number of Weeks from Injury to Conclusion	105.2	100.5	99.1	90.7	88.0
<b>Case Information</b>					
Average Age at Date of Injury	41.1	36.7	38.5	42.2	42.5
Percent of Employees with Less Than a High School Education	27.8%	23.4%	24.1%	20.1%	22.5%
Percent of Employees a High School Education	64.6%	59.7%	63.8%	62.9%	62.2%
Percent of Employees with More Than a High School Education	7.6%	16.9%	12.1%	17.0%	15.3%
Average Weekly Compensation Rate	\$280.85	\$291.26	\$288.46	\$343.70	\$359.15
Average Number of Weeks of TTD Benefits	17.9	10.5	18.8	15.4	16.2
Average Monetary Amount of TTD Benefits	\$5,543.08	\$3,335.62	\$4,922.28	\$5,229.92	\$5,987.70
Average Monetary Amount of Medical Benefits/Expenses	\$27,154.45	\$9,353.20	\$22,009.04	\$17,711.44	\$17,793.59
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.5
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	19.1
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$27,797.77
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	12.6
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.6
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	29.1
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$46,244.25
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	10.6
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.3
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	24.6
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$16,900.24
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	16.2
Average PPD Multiplier	3.2	3.3	3.5	3.5	2.3
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	36.5
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$16,868.70
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	12.8
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.2
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	28.4
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$24,939.24
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	20.7
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.1
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	56.4
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$31,163.90
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.6%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.4%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.4%

### Summary of Closed Case Data for Judicial District 26

	2000	2001	2002	2003	2004
	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent	Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	33.4	37.5	37.8	46.2	40.2
Number of Weeks from MMI to Conclusion	39.4	41.4	33.3	37.7	52.2
Number of Weeks from Injury to Conclusion	75.3	79.6	73.5	85.7	96.4
<b>Case Information</b>					
Average Age at Date of Injury	40.9	41.6	42.9	43.3	42.0
Percent of Employees with Less Than a High School Education	17.5%	15.8%	17.8%	17.0%	13.9%
Percent of Employees a High School Education	64.7%	65.3%	59.4%	59.5%	62.2%
Percent of Employees with More Than a High School Education	17.8%	18.9%	22.8%	23.5%	24.0%
Average Weekly Compensation Rate	\$306.21	\$314.50	\$321.65	\$326.31	\$334.37
Average Number of Weeks of TTD Benefits	15.3	15.9	16.9	19.5	16.3
Average Monetary Amount of TTD Benefits	\$5,034.85	\$4,791.56	\$5,597.91	\$5,955.70	\$5,399.24
Average Monetary Amount of Medical Benefits/Expenses	\$12,764.97	\$12,738.39	\$13,890.12	\$15,300.81	\$14,066.54
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	11.3
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	20.2
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$28,832.45
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.1
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.1
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	38.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$41,599.36
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.5
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.6
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	20.1
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$11,950.41
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	16.5
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.2
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	31.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$15,720.09
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	8.6
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.6
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	18.3
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$12,891.53
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	16.6
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.6
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	39.0
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$26,459.89
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.2%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.1%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.8%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.3%

Summary of Closed Case Data for Judicial District 27					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	48.1	37.9	52.7	52.5	54.9
Number of Weeks from MMI to Conclusion	56.0	65.6	56.1	54.3	54.5
Number of Weeks from Injury to Conclusion	108.8	110.1	110.4	106.9	118.2
<b>Case Information</b>					
Average Age at Date of Injury	41.2	40.9	40.7	42.2	44.3
Percent of Employees with Less Than a High School Education	25.0%	29.6%	20.5%	18.9%	22.3%
Percent of Employees a High School Education	63.8%	60.2%	67.0%	64.9%	60.0%
Percent of Employees with More Than a High School Education	11.2%	10.2%	12.5%	16.2%	17.7%
Average Weekly Compensation Rate	\$329.40	\$324.62	\$355.97	\$373.66	\$409.30
Average Number of Weeks of TTD Benefits	15.2	20.1	21.8	21.0	22.0
Average Monetary Amount of TTD Benefits	\$5,361.52	\$7,046.90	\$7,600.12	\$8,656.38	\$9,259.04
Average Monetary Amount of Medical Benefits/Expenses	\$11,182.02	\$12,291.82	\$15,252.87	\$16,230.56	\$16,846.84
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	12.7
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.5
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	28.3
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$53,594.39
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	19.1
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.0
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	49.0
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$67,115.09
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	10.4
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.7
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	17.7
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$14,931.23
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	12.6
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.0
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	26.7
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$16,359.99
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	10.0
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.8
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	22.8
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$19,964.05
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	18.2
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.0
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	44.1
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$37,476.29
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	2.4%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.0%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	1.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%

### Summary of Closed Case Data for Judicial District 28

	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	35.6	44.4	44.1	43.5	48.9
Number of Weeks from MMI to Conclusion	44.3	37.4	44.6	37.2	43.9
Number of Weeks from Injury to Conclusion	86.7	84.8	91.3	83.6	94.4
<b>Case Information</b>					
Average Age at Date of Injury	39.6	41.8	41.7	42.0	44.2
Percent of Employees with Less Than a High School Education	25.4%	29.5%	18.9%	20.6%	24.4%
Percent of Employees a High School Education	59.7%	60.2%	62.2%	58.9%	56.4%
Percent of Employees with More Than a High School Education	14.9%	10.2%	18.9%	20.6%	19.2%
Average Weekly Compensation Rate	\$276.06	\$282.59	\$307.13	\$331.09	\$319.54
Average Number of Weeks of TTD Benefits	18.1	12.6	13.6	20.8	19.1
Average Monetary Amount of TTD Benefits	\$6,213.39	\$4,408.99	\$3,754.87	\$6,208.69	\$5,844.47
Average Monetary Amount of Medical Benefits/Expenses	\$9,510.62	\$11,234.10	\$13,603.22	\$12,011.06	\$21,797.16
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	11.7
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.3
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	21.8
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$29,990.56
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.7
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.9
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	33.7
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$36,264.33
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	9.5
Average PPD Multiplier	2.7	2.8	2.8	2.9	3.2
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	20.5
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$14,251.27
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	15.7
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.2
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	41.8
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$16,187.03
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	15.1
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.3
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	28.7
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$17,319.17
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	22.3
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.4
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	54.3
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$40,583.90
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	0.0%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.6%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	1.1%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.0%



### Summary of Closed Case Data for Judicial District 29

	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	38.9	43.4	44.8	41.6	45.2
Number of Weeks from MMI to Conclusion	47.5	45.7	54.6	38.2	42.5
Number of Weeks from Injury to Conclusion	91.4	94.6	99.5	79.1	88.3
<b>Case Information</b>					
Average Age at Date of Injury	42.4	43.1	43.5	42.4	39.4
Percent of Employees with Less Than a High School Education	22.6%	16.7%	27.1%	18.8%	22.1%
Percent of Employees a High School Education	59.7%	65.2%	60.4%	62.3%	59.6%
Percent of Employees with More Than a High School Education	17.7%	18.2%	12.5%	18.8%	18.3%
Average Weekly Compensation Rate	\$299.87	\$302.86	\$323.37	\$341.91	\$342.51
Average Number of Weeks of TTD Benefits	19.4	15.8	16.2	15.4	14.9
Average Monetary Amount of TTD Benefits	\$5,649.30	\$4,813.37	\$5,108.46	\$5,520.76	\$4,920.85
Average Monetary Amount of Medical Benefits/Expenses	\$17,176.94	\$16,947.14	\$18,763.56	\$12,035.77	\$17,277.84
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	13.1
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.7
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	24.4
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$39,270.90
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	16.5
Average PPD Multiplier	3.1	3.2	3.2	3.2	2.5
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	34.9
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$48,639.90
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	10.6
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.3
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	19.0
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$13,228.56
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	12.7
Average PPD Multiplier	3.2	3.3	3.5	3.5	2.0
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	25.5
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$16,967.79
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	13.5
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.4
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	25.6
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$15,810.16
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	8.7
Average PPD Multiplier	3.3	3.3	3.4	3.3	3.8
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	27.7
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$14,940.80
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.4%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.7%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.0%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.7%

Summary of Closed Case Data for Judicial District 30					
	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	36.4	37.8	42.8	38.9	40.6
Number of Weeks from MMI to Conclusion	44.4	50.0	60.4	46.4	46.6
Number of Weeks from Injury to Conclusion	84.3	90.5	103.6	86.9	87.5
<b>Case Information</b>					
Average Age at Date of Injury	40.7	40.8	41.7	42.5	42.4
Percent of Employees with Less Than a High School Education	12.7%	13.9%	13.2%	14.1%	13.0%
Percent of Employees a High School Education	62.8%	62.9%	54.0%	54.9%	56.5%
Percent of Employees with More Than a High School Education	24.5%	23.2%	32.9%	31.1%	30.5%
Average Weekly Compensation Rate	\$325.30	\$343.57	\$358.81	\$365.09	\$378.43
Average Number of Weeks of TTD Benefits	17.0	17.7	19.7	19.4	19.5
Average Monetary Amount of TTD Benefits	\$5,733.50	\$6,283.93	\$6,873.30	\$7,043.70	\$6,945.81
Average Monetary Amount of Medical Benefits/Expenses	\$15,568.96	\$16,430.45	\$17,678.73	\$18,922.73	\$19,642.33
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	9.9
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.1
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	19.4
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$32,472.53
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	13.4
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.3
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	34.6
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$49,952.77
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	10.9
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.5
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	22.8
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$16,415.27
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	11.4
Average PPD Multiplier	3.2	3.3	3.5	3.5	3.7
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	34.0
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$18,999.17
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	9.1
Average PPD Multiplier	2.7	2.7	2.7	2.8	2.7
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	21.7
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$17,004.07
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	16.2
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.9
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	39.1
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	\$24,193.06
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	3.1%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	0.3%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	0.3%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	0.5%

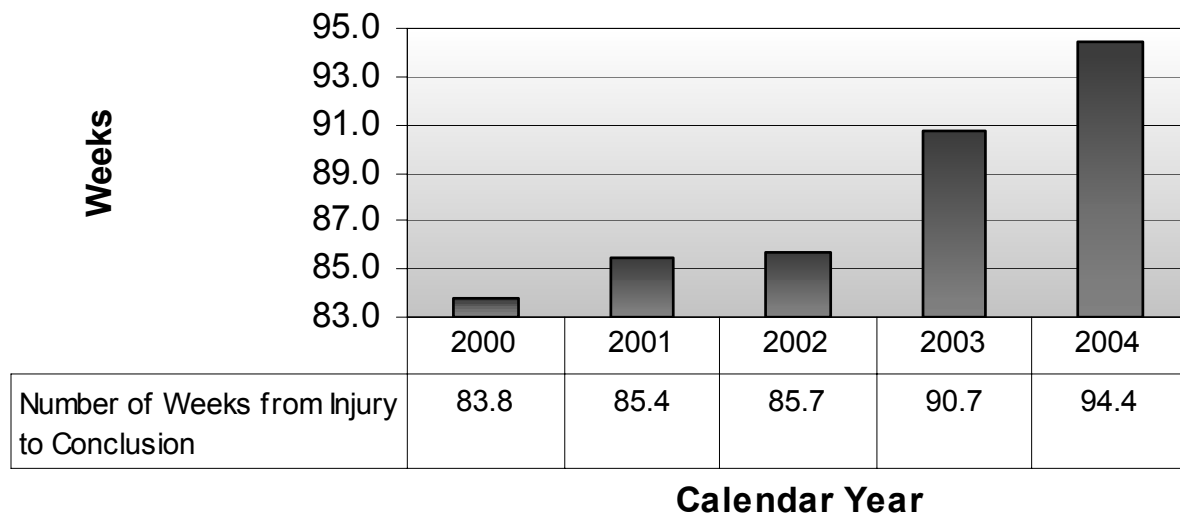
### Summary of Closed Case Data for Judicial District 31

	2000 Mean or Percent	2001 Mean or Percent	2002 Mean or Percent	2003 Mean or Percent	2004 Mean or Percent
<b>Case Length</b>					
Number of Weeks From Injury to MMI	41.0	39.2	56.7	45.4	56.6
Number of Weeks from MMI to Conclusion	54.2	52.5	59.8	43.0	54.8
Number of Weeks from Injury to Conclusion	94.0	91.7	116.8	106.5	117.4
<b>Case Information</b>					
Average Age at Date of Injury	44.3	43.5	38.5	43.5	42.6
Percent of Employees with Less Than a High School Education	26.7%	36.2%	22.9%	23.3%	25.5%
Percent of Employees a High School Education	61.3%	60.3%	64.6%	58.1%	60.8%
Percent of Employees with More Than a High School Education	12.0%	3.4%	12.5%	18.6%	13.7%
Average Weekly Compensation Rate	\$277.30	\$295.11	\$332.19	\$364.71	\$353.16
Average Number of Weeks of TTD Benefits	14.4	14.3	17.5	14.3	18.9
Average Monetary Amount of TTD Benefits	\$3,574.72	\$3,923.85	\$6,411.90	\$4,641.29	\$6,041.83
Average Monetary Amount of Medical Benefits/Expenses	\$9,106.45	\$8,732.71	\$15,617.53	\$18,216.98	\$16,557.77
<b>BAW Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.4	9.2	9.5	9.8	7.8
Average PPD Multiplier	2.2	2.2	2.3	2.2	2.5
Average PPD Percentage Awarded	18.5	18.9	19.7	19.8	20.3
Average PPD Monetary Benefit	\$25,174.00	\$26,880.34	\$29,734.24	\$30,202.73	\$33,246.35
<b>BAW Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.0	14.2	12.8	12.7	20.8
Average PPD Multiplier	3.1	3.2	3.2	3.2	3.1
Average PPD Percentage Awarded	32.9	34.3	34.4	34.5	56.3
Average PPD Monetary Benefit	\$38,697.80	\$42,772.66	\$43,355.79	\$47,429.34	\$66,852.24
<b>Arm Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.1	9.5	8.2	7.8	6.9
Average PPD Multiplier	2.7	2.8	2.8	2.9	2.8
Average PPD Percentage Awarded	20.6	21.1	19.0	19.1	19.1
Average PPD Monetary Benefit	\$13,175.01	\$13,711.41	\$12,377.47	\$13,055.28	\$13,467.62
<b>Arm Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	13.0	11.6	10.6	9.6	10.0
Average PPD Multiplier	3.2	3.3	3.5	3.5	4.3
Average PPD Percentage Awarded	30.2	28.5	28.7	28.1	43.2
Average PPD Monetary Benefit	\$16,052.76	\$16,146.31	\$16,373.87	\$17,199.20	\$39,975.55
<b>Leg Injuries Where Injured Worker was Returned to Work</b>					
Average PPI Rating	9.7	9.3	8.6	8.9	13.6
Average PPD Multiplier	2.7	2.7	2.7	2.8	3.4
Average PPD Percentage Awarded	21.9	21.4	20.7	21.2	25.9
Average PPD Monetary Benefit	\$15,007.87	\$14,513.51	\$14,732.17	\$16,268.29	\$15,159.05
<b>Leg Injuries Where Injured Worker was not Returned to Work</b>					
Average PPI Rating	15.5	14.7	14.6	13.2	7.0
Average PPD Multiplier	3.3	3.3	3.4	3.3	2.6
Average PPD Percentage Awarded	39.9	35.9	36.9	36.2	18.5
Average PPD Monetary Benefit	\$24,833.10	\$21,533.12	\$22,599.55	\$21,980.19	-
<b>Psychological Injuries</b>					
Percent of Cases Claiming Psychological Injury	2.4%	2.5%	2.3%	2.0%	1.2%
Percent of Cases Where Psychological Injury was the Sole Claim	0.6%	0.6%	0.8%	0.4%	1.2%
<b>Permanent Total and Death Case Frequency</b>					
Percent of Cases Where Permanent Total Disability Benefits Were Paid	2.4%	1.8%	1.3%	0.7%	1.2%
Percent of Cases Where Death Benefits Were Paid	0.7%	0.5%	0.4%	0.4%	1.2%

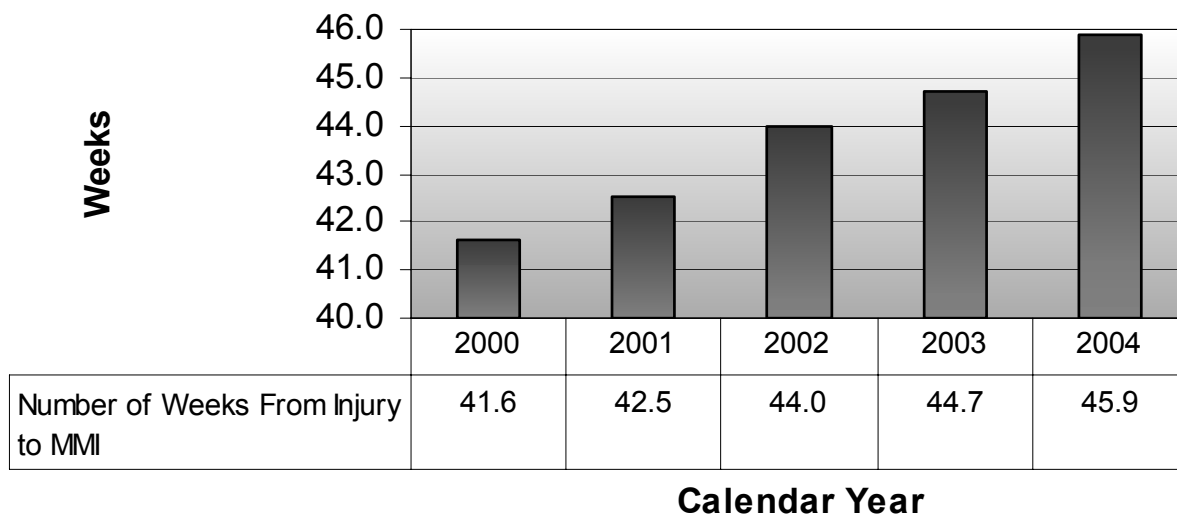
## APPENDIX 2

### FIVE YEAR TREND GRAPHS FOR TENNESSEE WORKERS' COMPENSATION CASES CONCLUDED IN CALENDAR YEARS 2000 - 2004

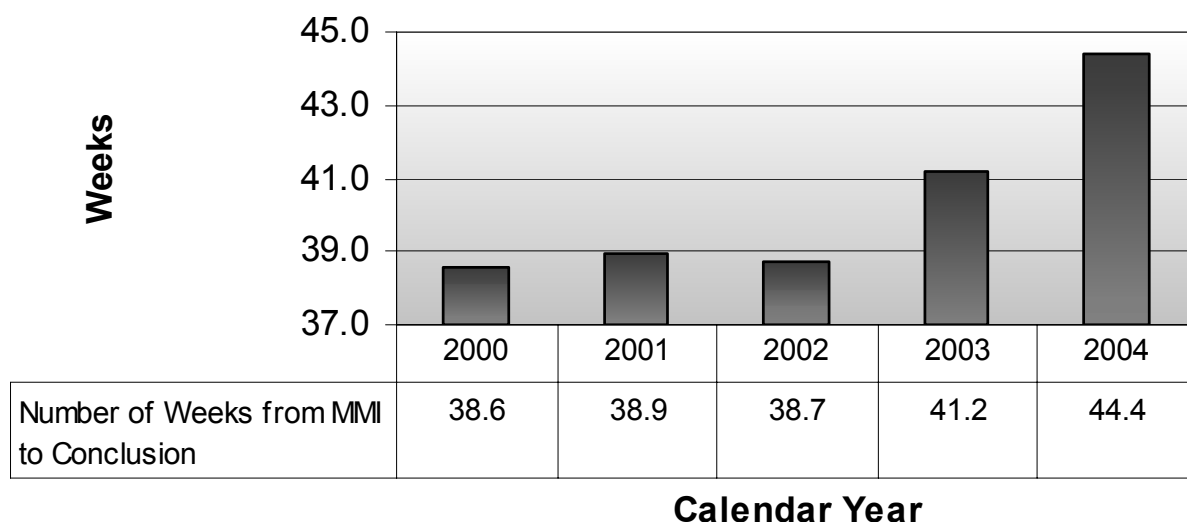
#### Number of Weeks from Injury to Conclusion



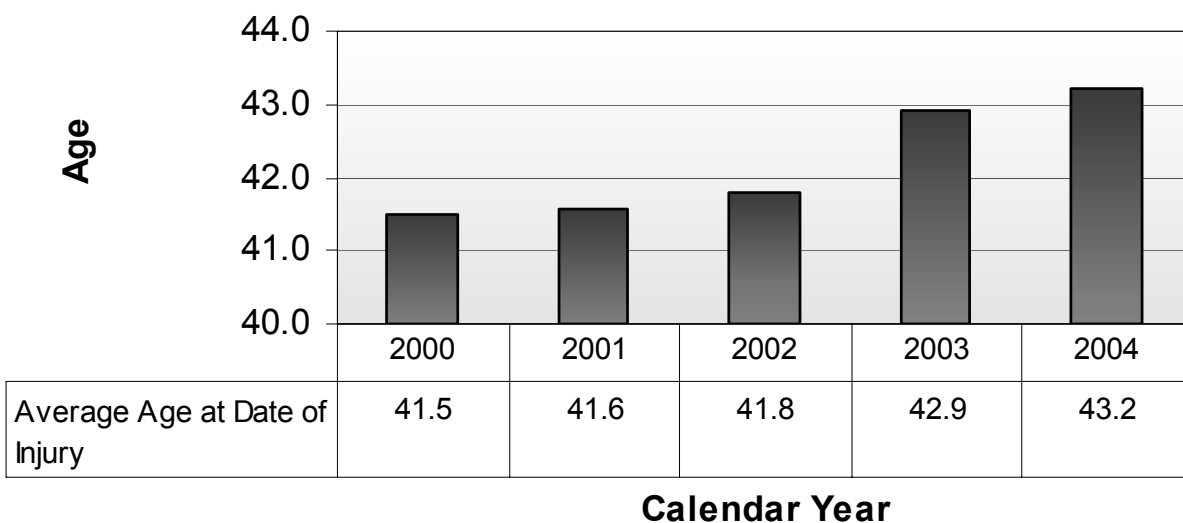
#### Number of Weeks From Injury to MMI



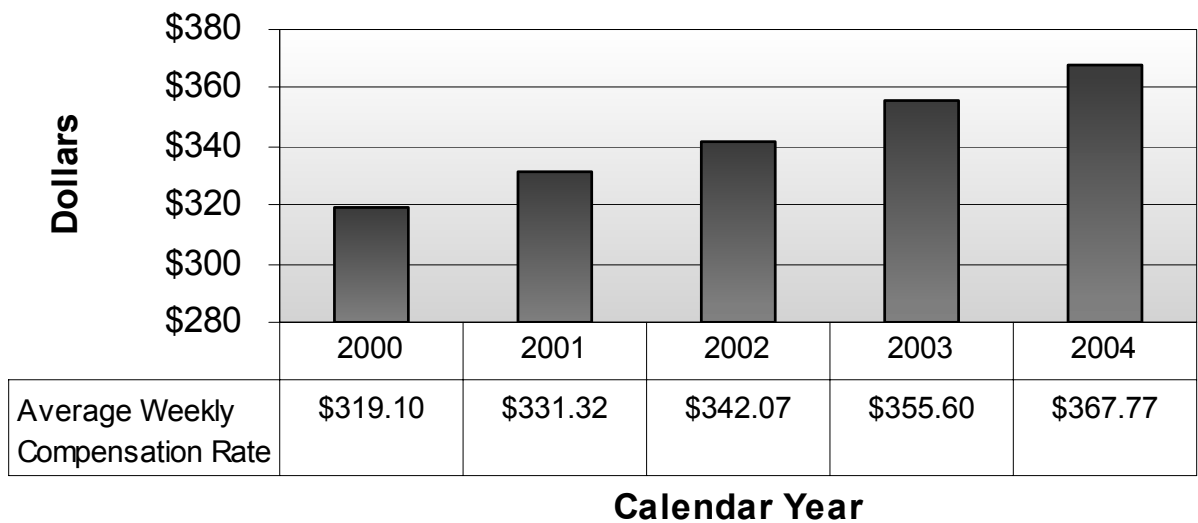
## Number of Weeks from MMI to Conclusion



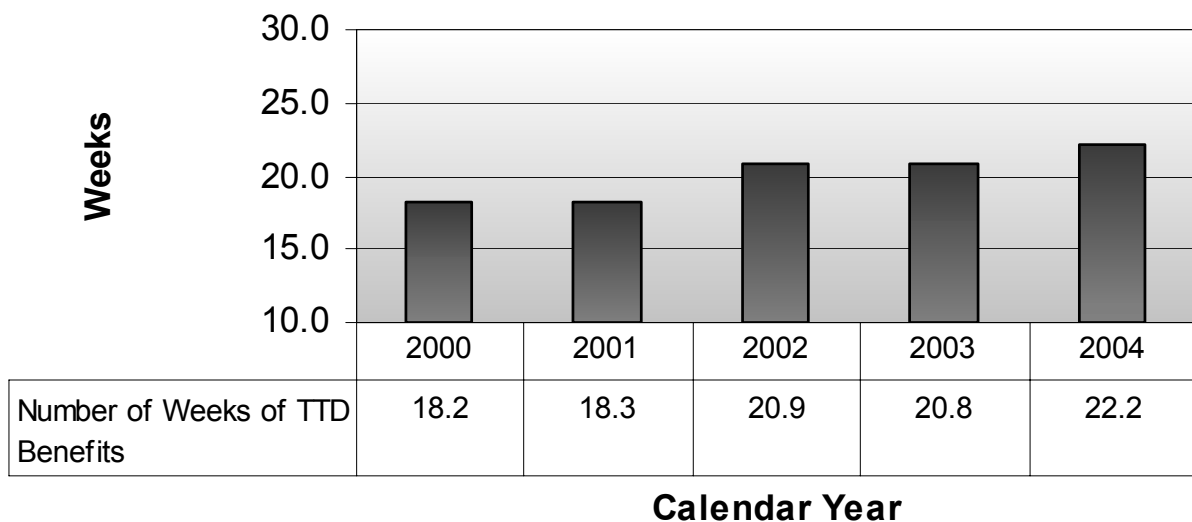
## Average Age at Date of Injury



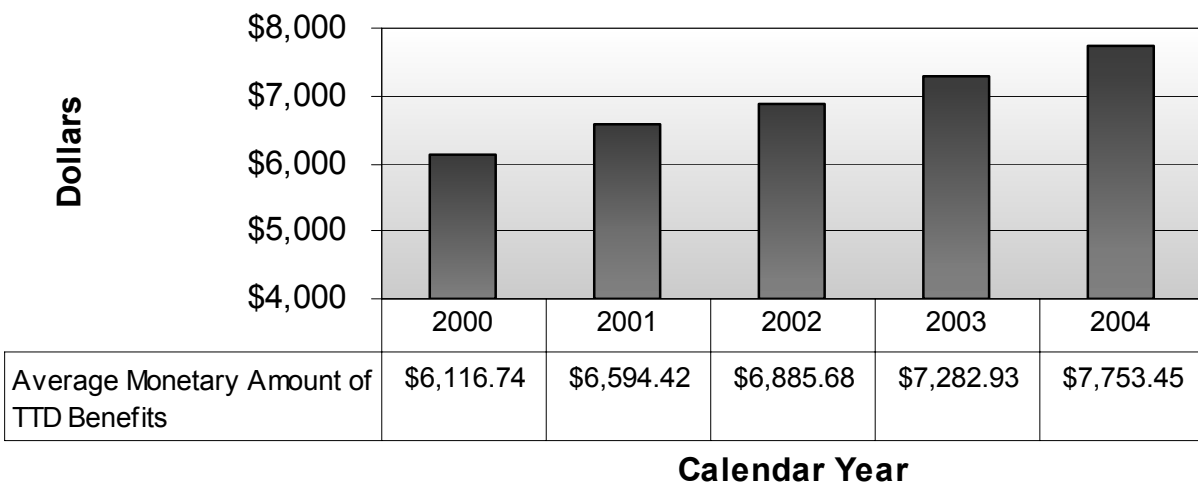
## Average Weekly Compensation Rate



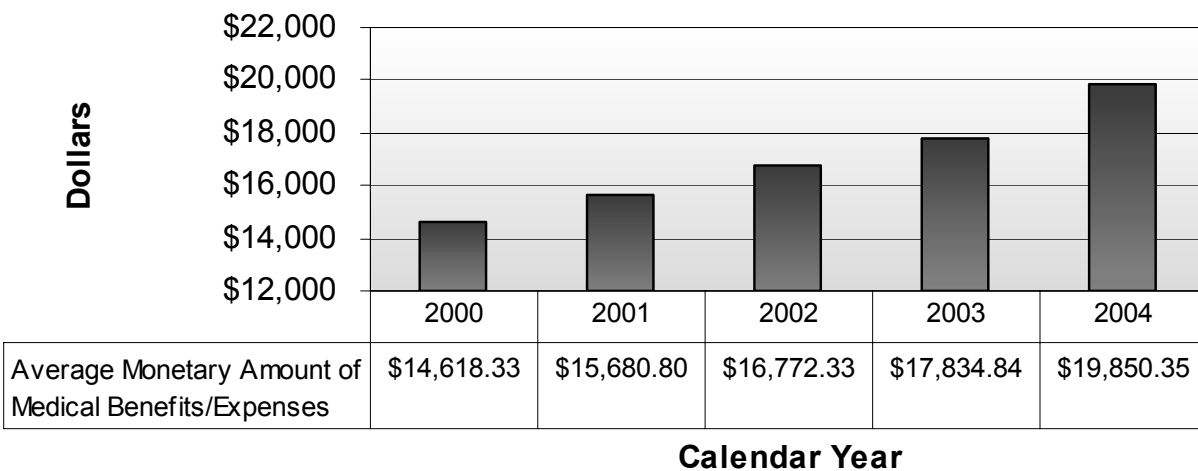
## Number of Weeks of TTD Benefits



### Average Monetary Amount of TTD Benefits

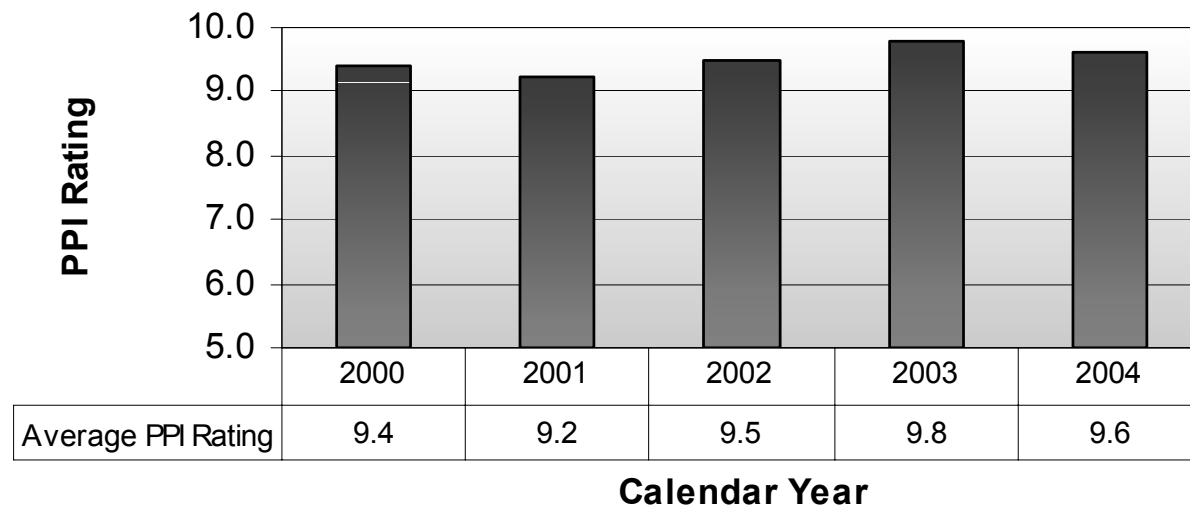


### Average Monetary Amount of Medical Benefits/Expenses

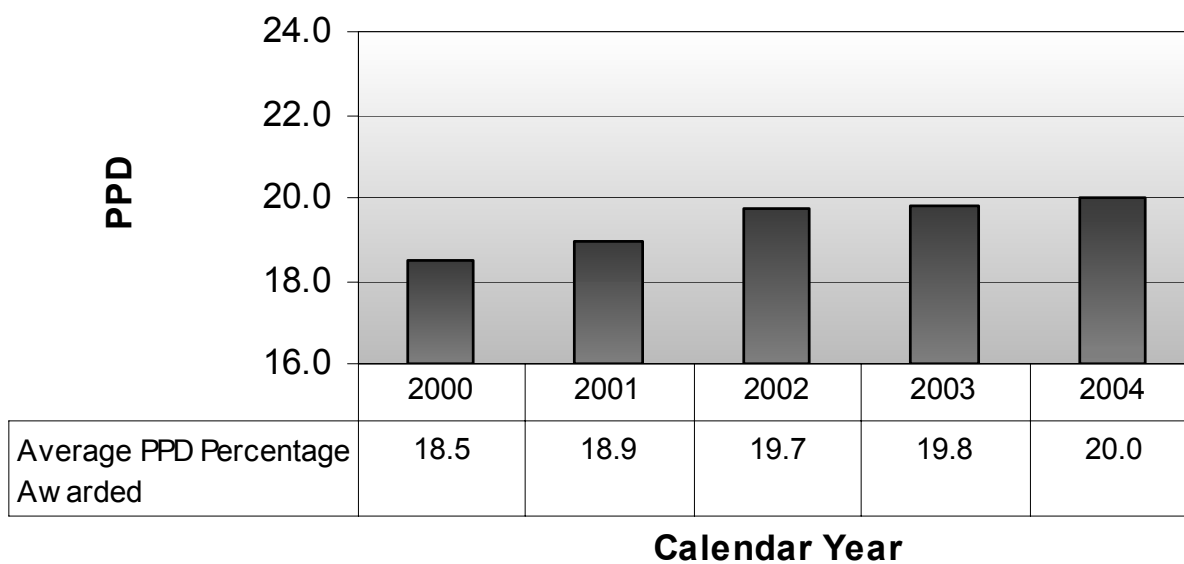


## BODY AS A WHOLE CASES WHERE THE INJURED WORKER RETURNED TO WORK

### Average PPI Rating

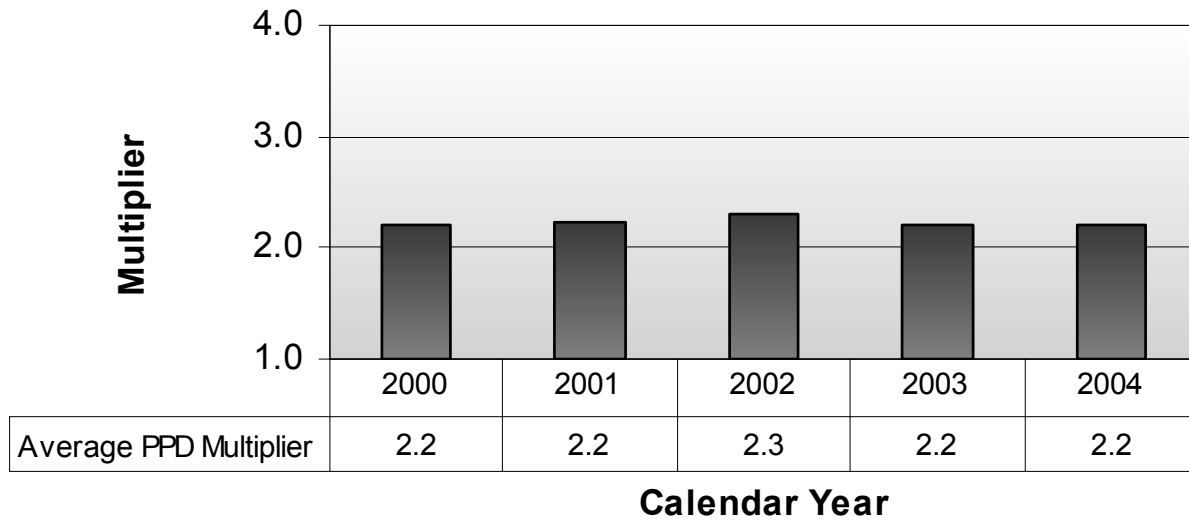


### Average PPD Percentage Awarded

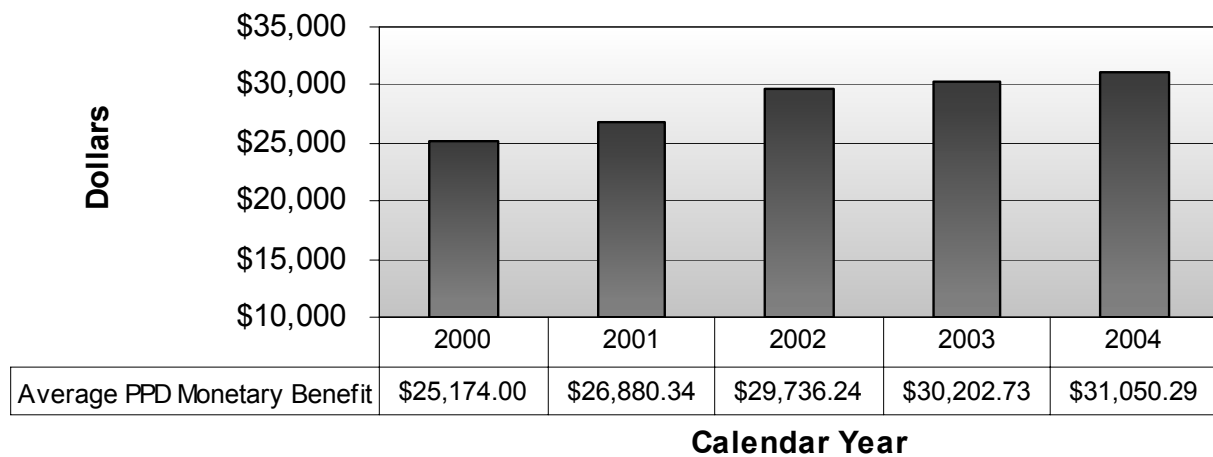




### Average PPD Multiplier

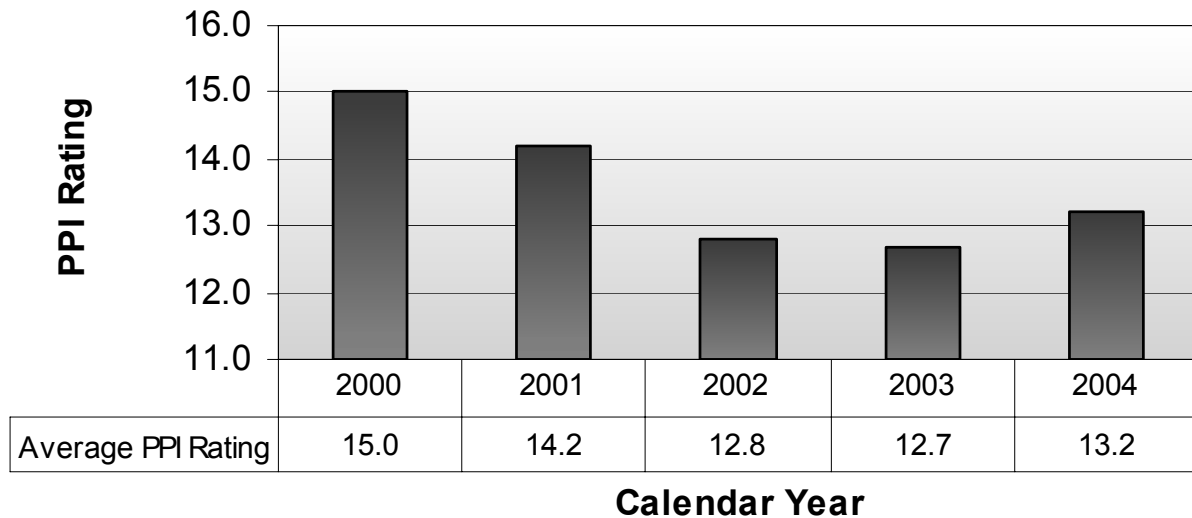


### Average PPD Monetary Benefit

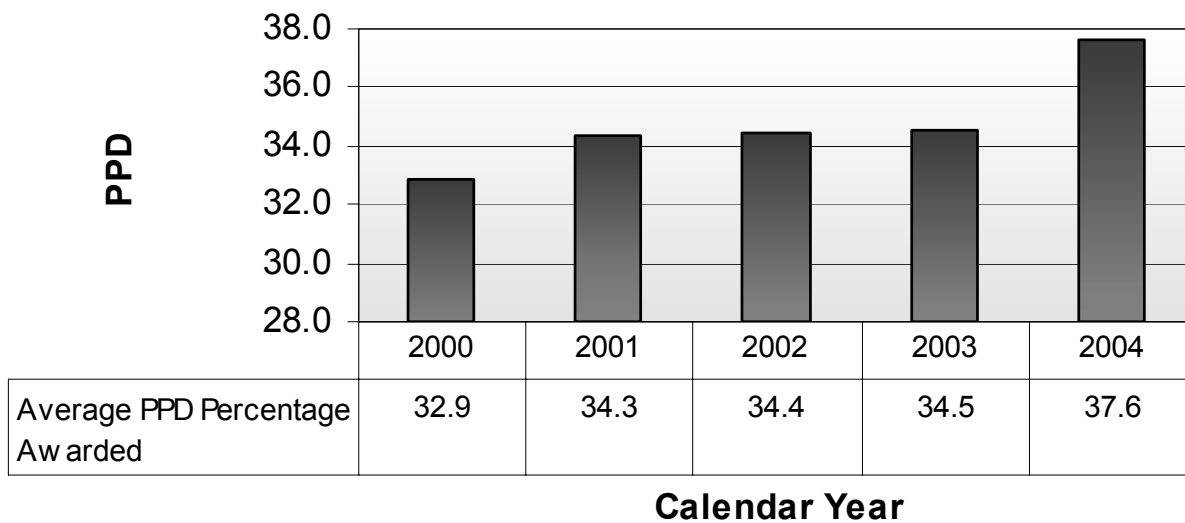


**BODY AS A WHOLE CASES WHERE THE INJURED WORKER DID NOT RETURN TO WORK**

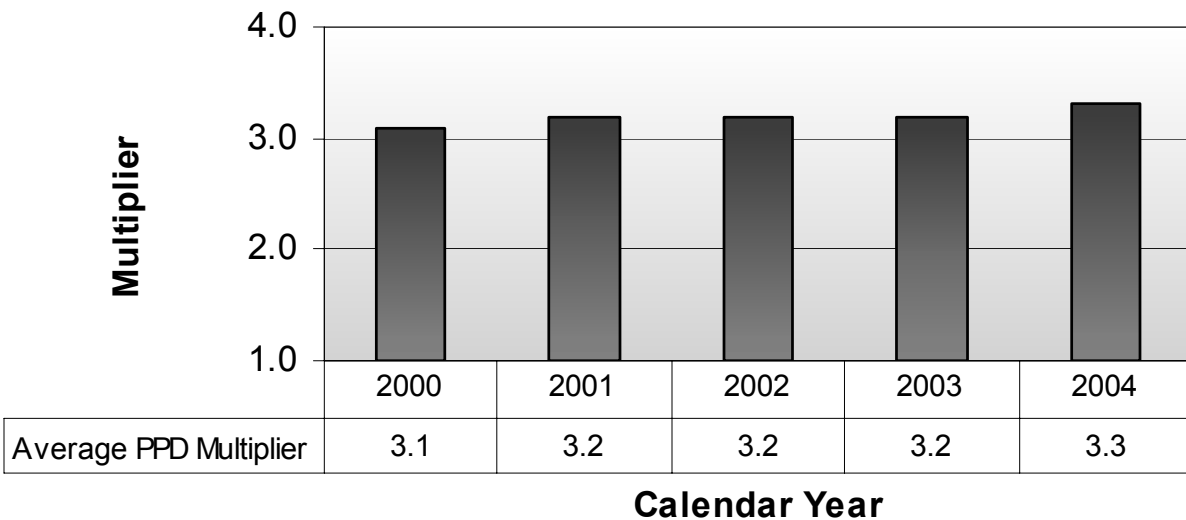
**Average PPI Rating**



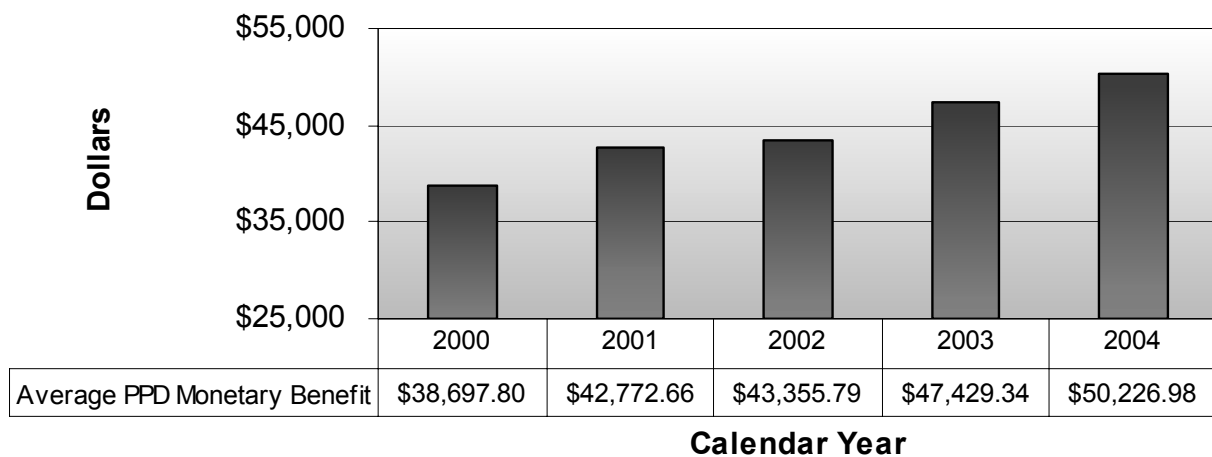
**Average PPD Percentage Awarded**



### Average PPD Multiplier

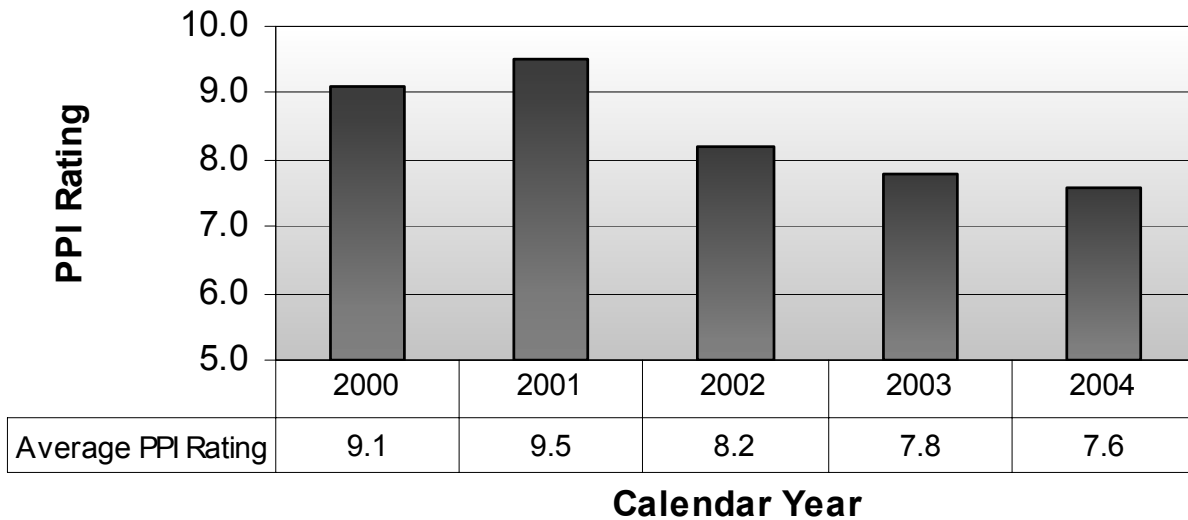


### Average PPD Monetary Benefit

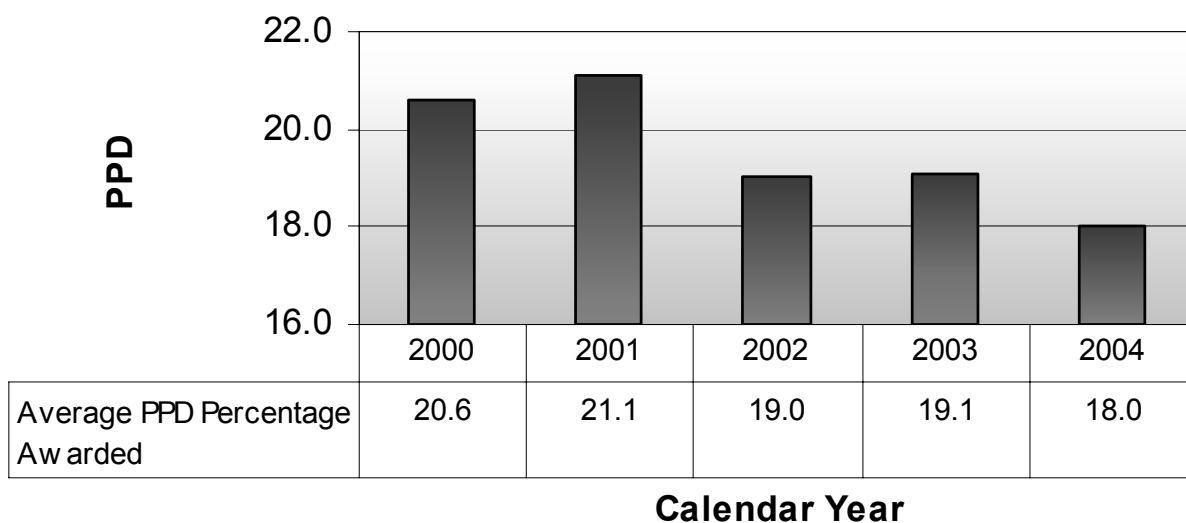


## ARM INJURY CASES WHERE THE INJURED WORKER RETURNED TO WORK

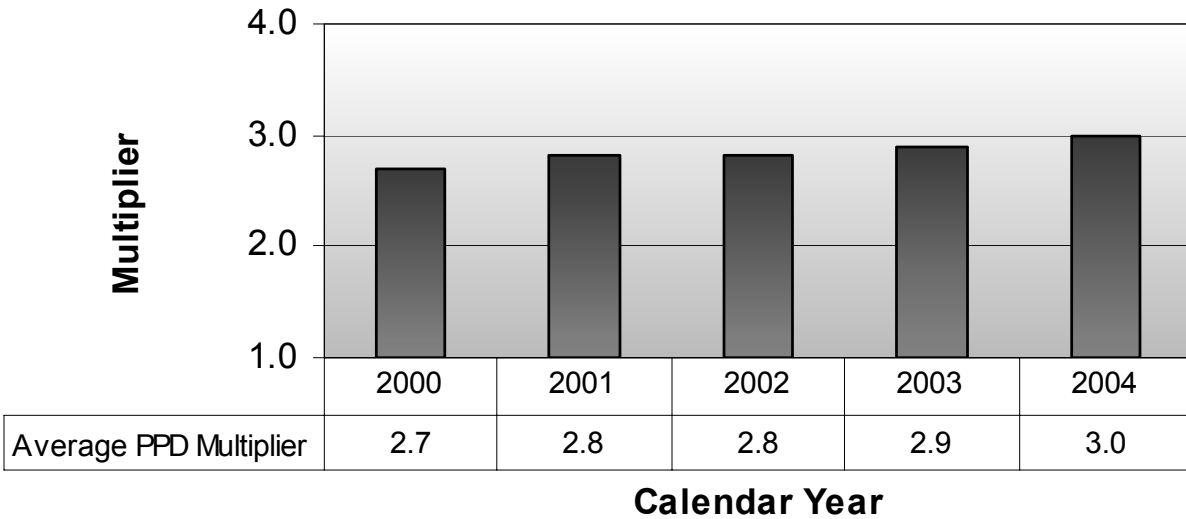
### Average PPI Rating



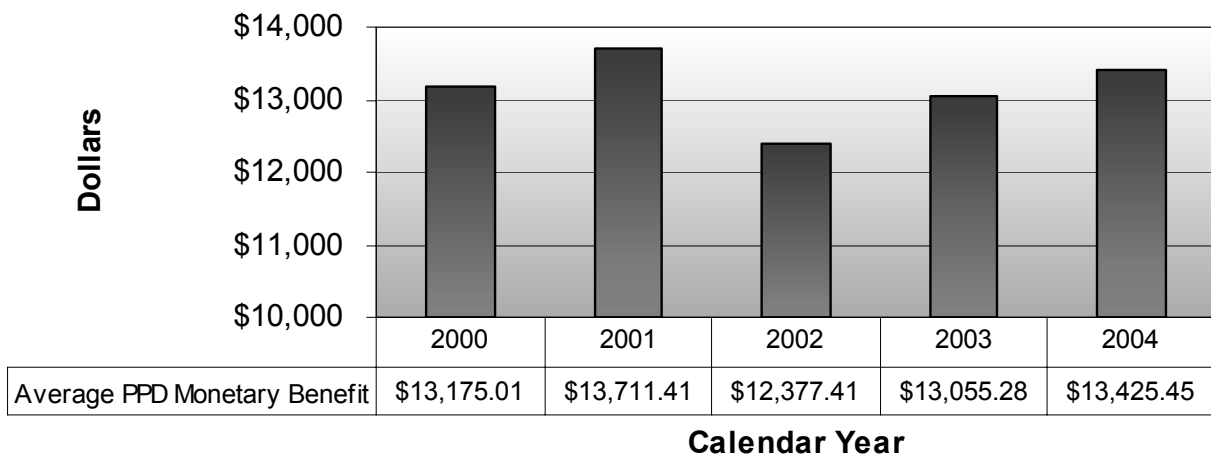
### Average PPD Percentage Awarded



### Average PPD Multiplier

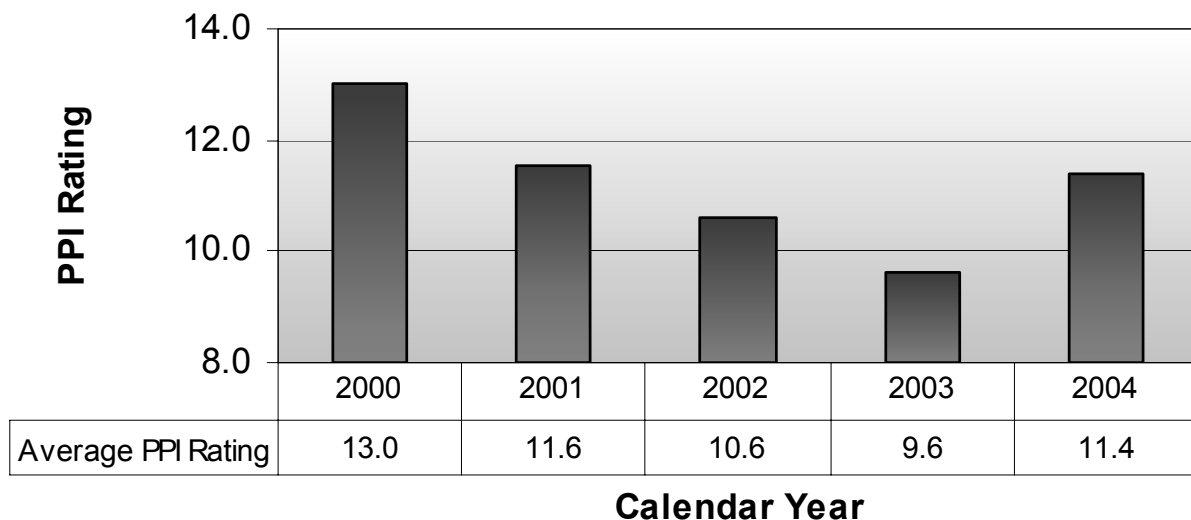


### Average PPD Monetary Benefit

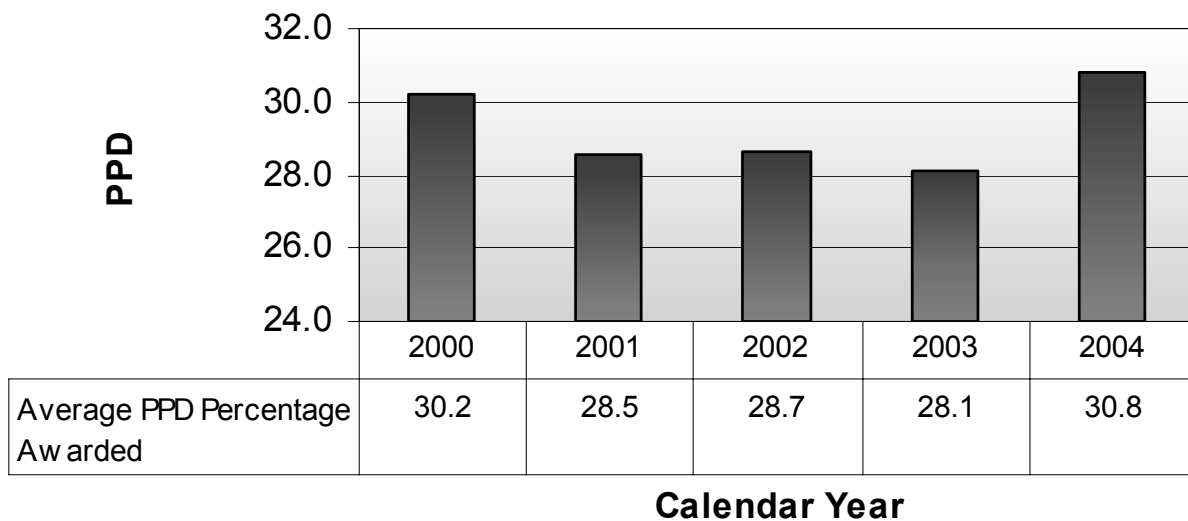


## ARM INJURY CASES WHERE THE INJURED WORKER DID NOT RETURN TO WORK

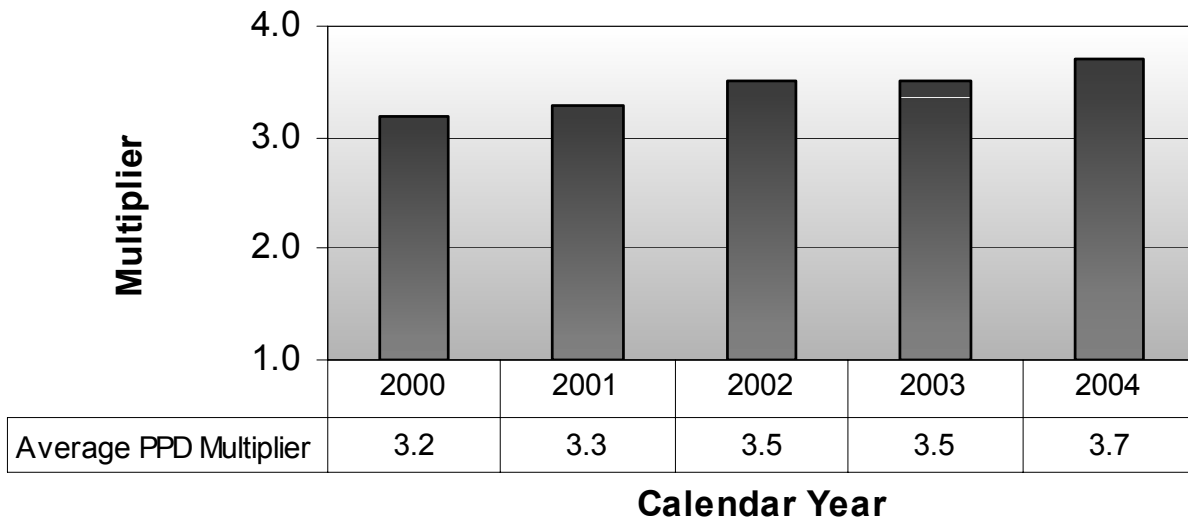
### Average PPI Rating



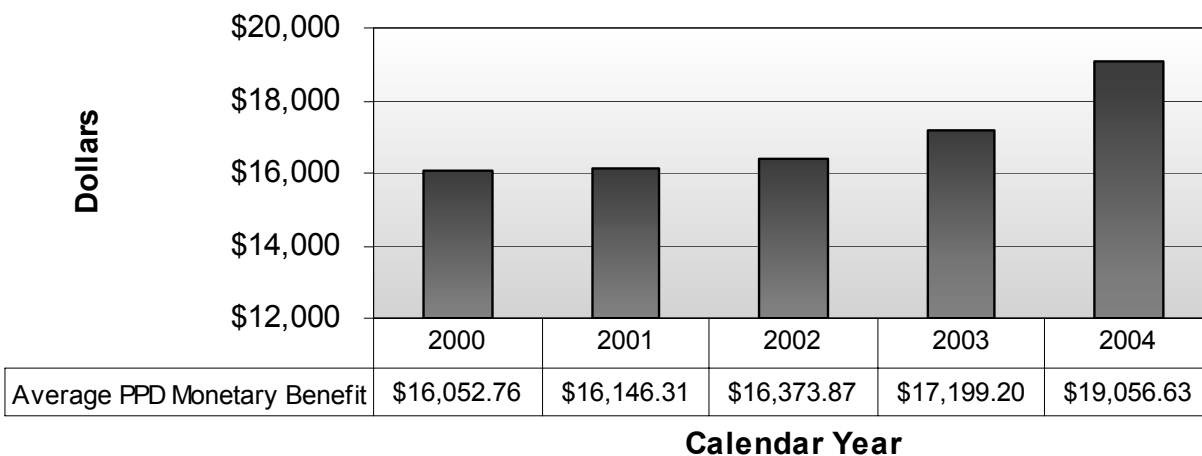
### Average PPD Percentage Awarded



### Average PPD Multiplier

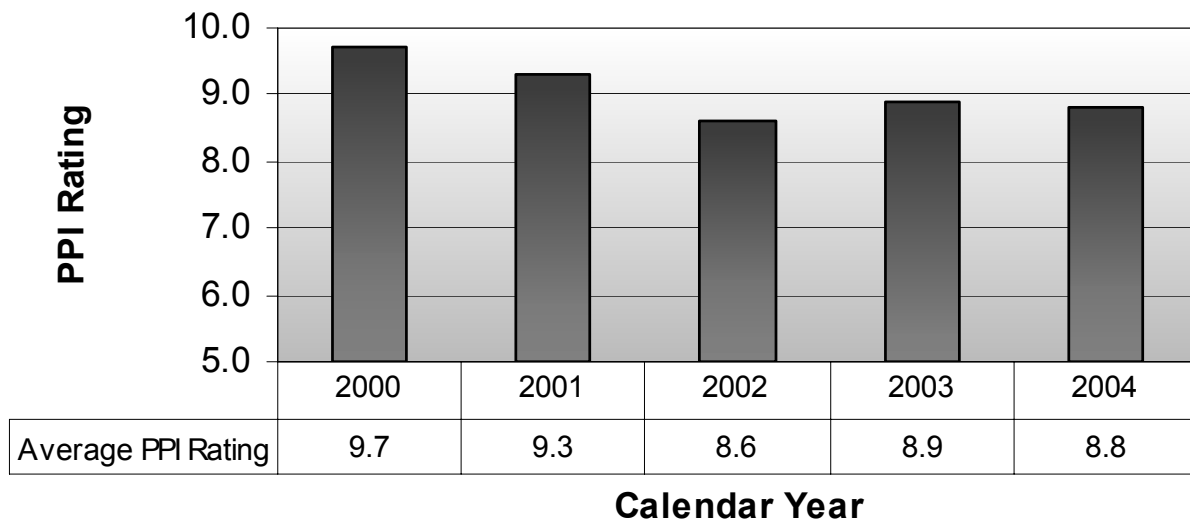


### Average PPD Monetary Benefit

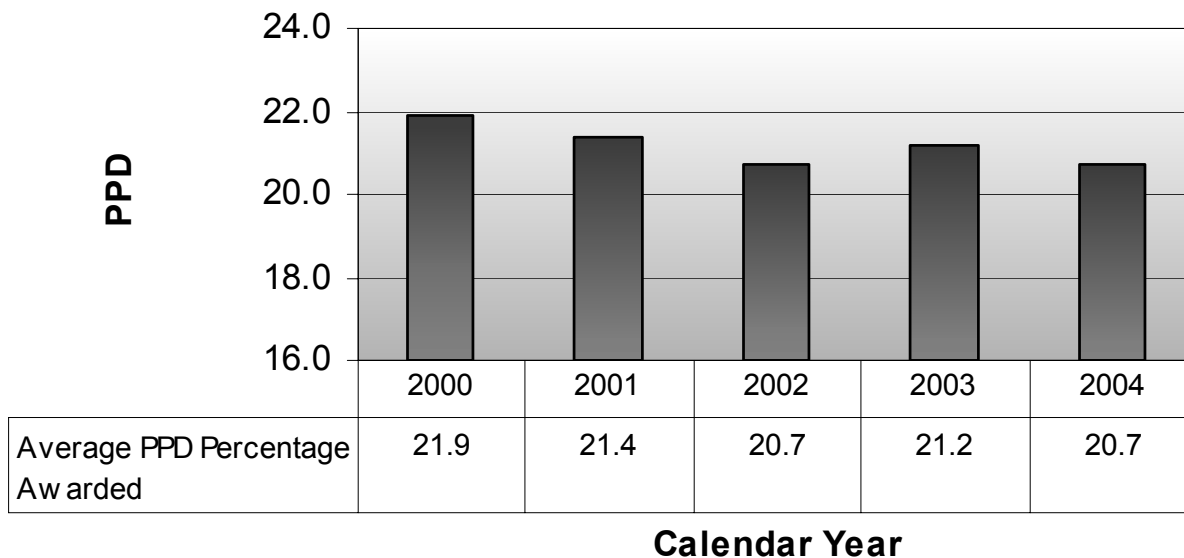


## LEG INJURY CASES WHERE THE INJURED WORKER RETURNED TO WORK

### Average PPI Rating

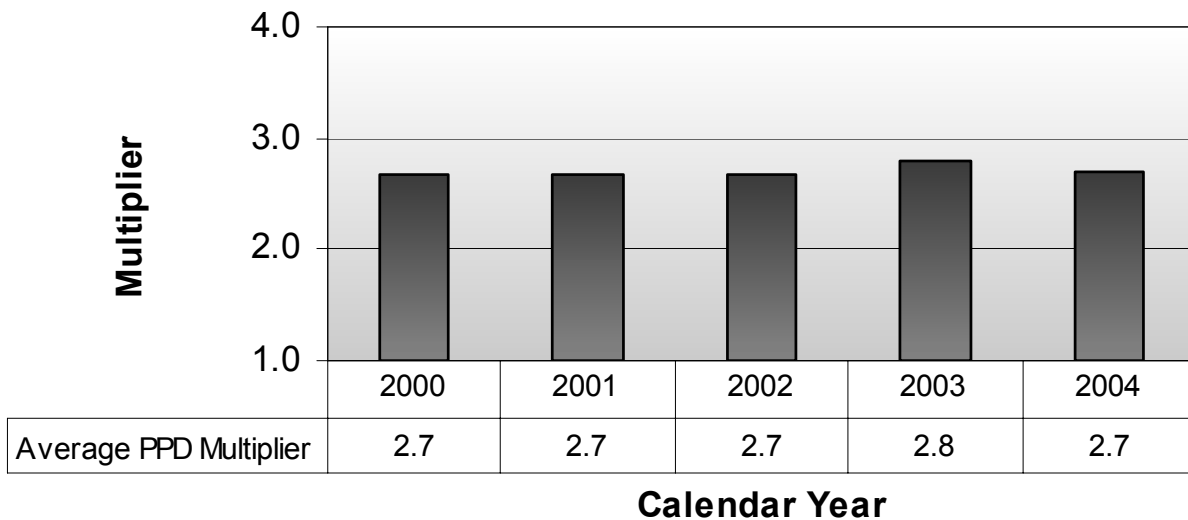


### Average PPD Percentage Awarded

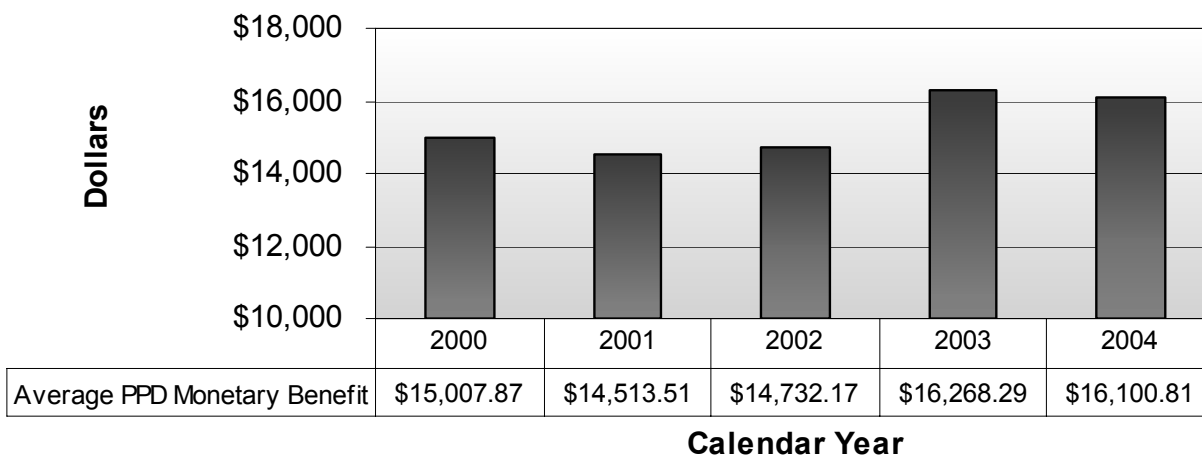




### Average PPD Multiplier

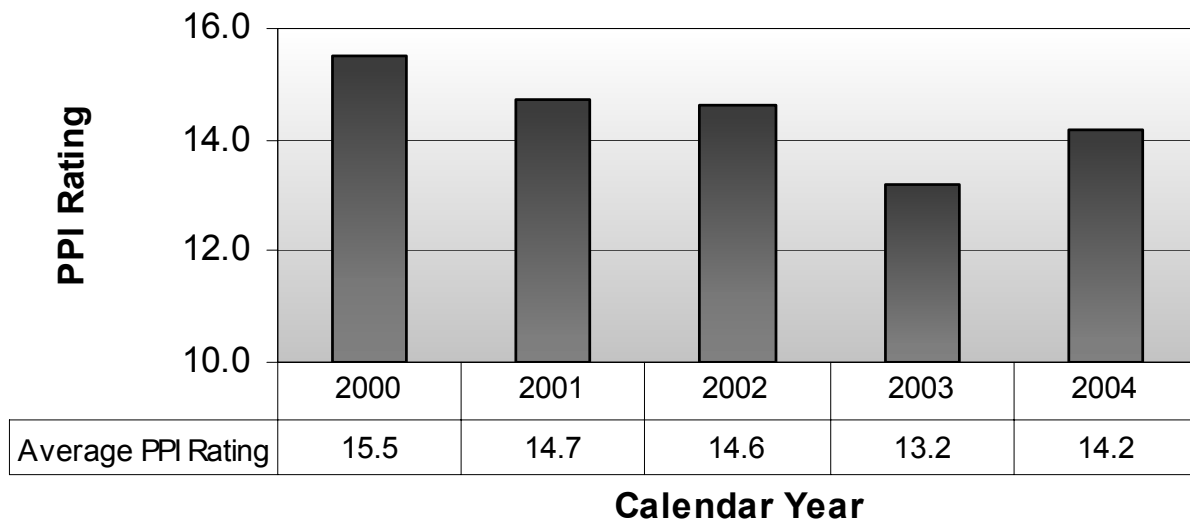


### Average PPD Monetary Benefit

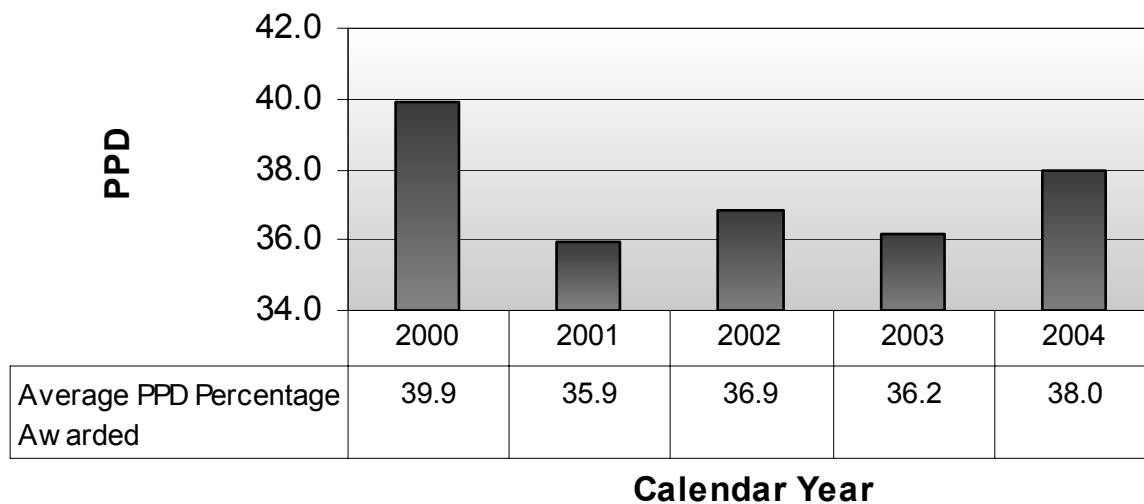


## LEG INJURY CASES WHERE THE INJURED WORKER DID NOT RETURN TO WORK

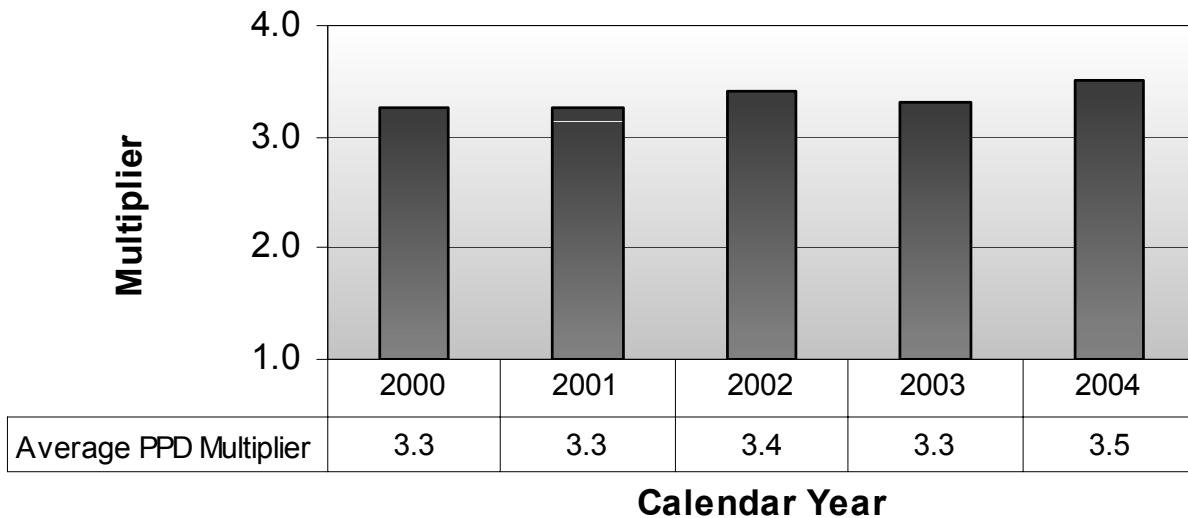
### Average PPI Rating



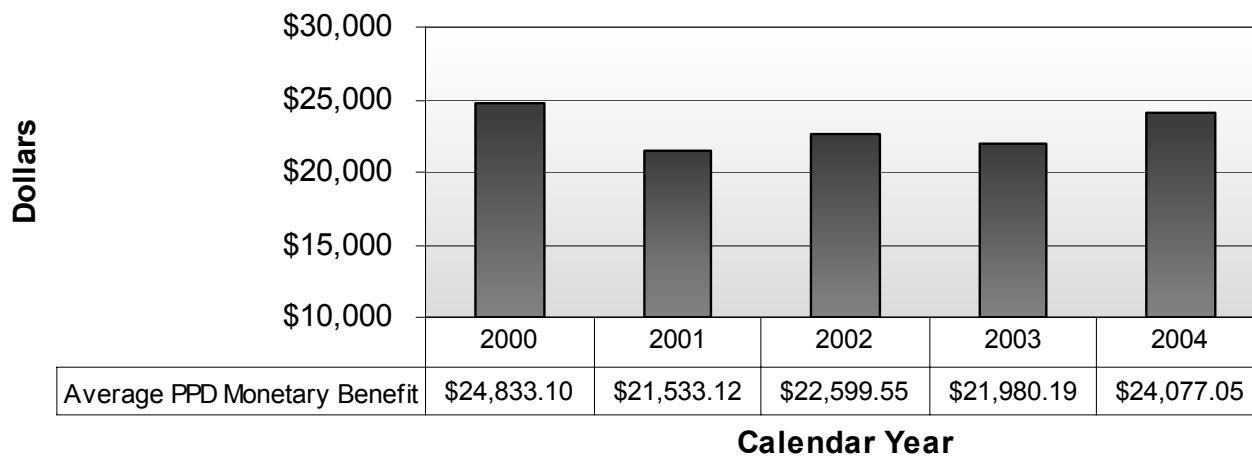
### Average PPD Percentage Awarded



### Average PPD Multiplier



### Average PPD Monetary Benefit



## APPENDIX 3

### SYNOPSIS OF TENNESSEE WORKERS' COMPENSATION FOR INJURIES PRIOR TO 7/1/2004

#### DISABILITY AND MEDICAL BENEFITS - COMPENSABLE CLAIM

In Tennessee, when an employee sustains an injury in the course and scope of his/her employment, the employee is entitled to receive temporary total disability benefits (TTD) if the employee is unable to work for a period of at least seven (7) days. TTD benefits are paid beginning the eighth day unless the employee is unable to work for fourteen (14) days and in that event the employee will receive TTD benefits retroactive to the first day after the injury. *See, TCA §50-6-205, 207.* If the employee returns to work on either a part-time basis or on light duty and does not earn wages equal to the pre-injury wage, then the employee is entitled to temporary partial disability benefits (TPD). *See, TCA §50-6-207.*

The amount of weekly compensation benefits to which the employee is entitled is equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage for the fifty-two (52) week period preceding the date of injury, subject to a statutory minimum and maximum weekly compensation rate. For example, for injuries occurring between July 1, 2003 and June 30, 2004, the maximum weekly compensation rate is \$614.00.<sup>32</sup> *See, TCA §50-6-102(a)(7) and TCA §50-6-207.*

The employer is required to furnish any medical treatment necessary as a result of a work

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<sup>32</sup> Maximum compensation rates for injury dates pertaining to this study

YEAR	MAX RATE	YEAR	MAX RATE	YEAR	MAX RATE
8/1/92 to 6/30/93	\$318.24	7/1/98 to 6/30/99	\$515.00	7/1/04 to 6/30/05	\$638.00
7/1/93 to 6/30/94	\$355.97	7/1/99 to 6/30/00	\$541.00		
7/1/94 to 6/30/95	\$382.79	7/1/00 to 6/30/01	\$562.00		
7/1/95 to 6/30/96	\$415.87	7/1/01 to 6/30/02	\$581.00		
7/1/96 to 6/30/97	\$453.14	7/1/02 to 6/30/03	\$599.00		
7/1/97 to 6/30/98	\$492.00	7/1/03 to 6/30/04	\$614.00		

related injury. The employer must furnish the injured employee with a list of physicians (panel choice) from which the employee chooses the “attending physician” for the medical treatment. The number and type of doctor required to be on the list varies depending on the type of injury. *See, TCA* §50-6-204. The employer is also responsible for medical treatment provided by any medical care provider to whom the “attending physician” refers the employee. After the employee achieves as much healing as possible, i.e. maximum medical improvement (or MMI), the attending physician determines whether the employee’s condition is permanent in nature and if so, states an opinion as to the employee’s “permanent impairment” (PPI rating).

If the employee retains a permanent impairment and has received a PPI rating, the employee is almost always entitled to permanent partial disability benefits (PPD), which is a monetary sum paid by the employer to compensate the employee for the loss of the ability to compete for jobs in the open job market.<sup>33</sup> The amount of PPD benefits which may be awarded by the court to the employee is dependent upon several factors, including type of injury, extent of impairment, age, education, prior work history, job skills, ability to work in the disabled condition and local job opportunities. The award of PPD benefits is also governed by other statutory provisions depending on the type of injury, whether the employer returned the employee to work and other factors. *See, TCA* §50-6-207(3); *TCA* §50-6-241, 242.

Thus, the first consideration in determining the permanent disability to which the employee may be entitled is to ascertain whether the injury is to the body as a whole (BAW) or to a scheduled member (SM). A scheduled member is a part of the body enumerated in the statute such as finger, arm, hand, toe, foot, leg, eye and hearing. *See, TCA* §50-6-207(3)(A)(ii). All other injuries not specifically provided for in the “schedule” are considered injuries to the body as a whole. Examples of body as a whole injuries include injuries to the back, shoulder, head or a combination of three scheduled member injuries.

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<sup>33</sup> Tennessee law also allows recovery of PPD benefits if there is medical proof the injury is permanent in nature but the medical provider is unable or refuses to give a PPI rating.

If the injury is to a scheduled member, the trial court has full discretion to determine the amount of PPD to which the employee is entitled based on the nature of the injury, the anatomical impairment, the employee's age, education, prior job experience and job skills. The only limitation on the trial court's PPD award for a scheduled member is the maximum number of weeks of disability which is set by statute for the specific member. For example, if the injury is to the arm, the maximum PPD award is 200 weeks of benefits calculated by using the employee's weekly compensation rate. For an employee who has a weekly compensation rate of \$200 and a PPD of 20% to the arm, the amount of compensation for the injury would be \$8,000. If the same employee had lost the arm, the maximum amount of compensation which could be awarded would be \$40,000 (i.e, 200 weeks times \$200 comp rate).

If the injury is to the body, then the amount of PPD to which the employee is entitled will depend first upon whether the employer returned the employee to work earning the same (or greater) pay than the wage being earned at the time of injury. If the employee did return to work under these criteria, then the maximum amount which can be awarded for PPD is two and one-half (2.5) times the impairment rating, as determined by the trial court. The amount of the award is calculated by multiplying the PPD percentage awarded by the Court by 400 weeks, the maximum number of weeks the employee may receive permanent partial disability benefits, and then multiplying that figure by the employee's weekly compensation rate. For example, if an employee whose weekly compensation rate is \$200 sustained a back strain and the only impairment rating given by a doctor was 5%, then the court's award could not exceed 12.5% PPD which equals \$10,000 ( $0.125 \times 400 \text{ weeks} \times \$200$ ), if the employer brought the employee back to work. *See, TCA §50-6-241.*

If the employer does not return the employee to work (earning the same or greater pay), then the maximum amount of PPD which can be awarded by the trial court cannot exceed six (6) times the PPI rating, as determined by the trial court. If the trial court awards a multiplier of five (5) or

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greater, then the trial court must make specific findings of fact detailing the reasons for the award. The amount of the award is calculated in the same manner as above. For example, if you assume the same type of injury as above, except the employer did not return the employee to work, the maximum PPD which could be awarded would be 30% which equals \$24,000.00 (0.30 X 400 weeks X \$200). *See, TCA §50-6-241.*

If the employer does not return the employee to work at the same or greater pay and the employee meets three of the four following criteria: (1) age 55 or older; (2) no high school diploma or GED or cannot read and write at an eighth grade level; (3) no reasonably transferable job skills; or (4) no reasonable employment opportunities available locally, the trial court is not limited to a multiplier maximum. However, the PPD award in this situation cannot exceed 400 weeks of benefits. *See, TCA §50-6-242.*

If the employee is totally incapacitated from working at an occupation which brings an income, the employee is considered “permanently totally disabled” and is entitled to permanent total disability benefits (PTD). These PTD benefits are payable until the employee reaches full retirement age, or if the injury occurs after the employee is 60 years old, the employee is entitled to 260 weeks of benefits. Also, Tennessee provides death benefits, in addition to burial expenses and required medical expenses, when an employee dies as a result of a work-related injury. If the employee is unmarried and leaves no dependents, the estate of the employee is entitled to a lump sum of \$20,000.<sup>3</sup> If the employee leaves dependents, compensation is paid at the rate of sixty-six and two-thirds percent (66 2/3 %) of the employee’s average weekly wages, subject to the maximum weekly benefit.

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<sup>3</sup> The amount was raised from \$10,000 to \$20,000 by the General Assembly in 1999.

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## PERMANENT DISABILITY RESOLUTION PROCESS

The Tennessee workers' compensation system is a court based system rather than a commission system. Generally, when an employee is injured in the course and scope of employment, if the parties (employee, employer and/or workers' compensation insurance carrier) cannot agree upon the compensation to which the employee is entitled for the injury, either of the parties may submit the dispute to the court for determination of the benefits to which the employee is entitled. Although *TCA* §50-6-225<sup>4</sup>, prior to 1998, provided two methods by which the dispute could be determined, as a practical matter, the disputed cases were submitted to either the circuit or chancery courts in the county where the petitioner (the one filing the action) resides or the county in which the accident occurred. In some counties, the criminal court also hears workers' compensation cases.<sup>5</sup>

If the workers' compensation claim proceeds to trial, the trial court has discretion to accept the opinion of one physician regarding the permanent impairment rating over the opinion of another physician. The trial court is not required to give more weight to the opinion concerning permanent impairment given by the "attending physician". Both the employer and employee are allowed to present expert testimony of an independent medical doctor, i.e. a doctor who is retained to conduct an independent medical examination for the sole purpose of evaluating the extent of permanent impairment.

Thus, in Tennessee, it is possible for there to be expert testimony concerning the permanent impairment by more than one physician. For those cases in which there are multiple opinions of permanent impairment, it is more probable than not that the opinions will not be the same, even though each physician is required to base the PPI opinion on either the most recent edition of the

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<sup>4</sup> The amount was raised from \$10,000 to \$20,000 by the General Assembly in 1999.

<sup>5</sup> Tennessee law does provide a mediation process [benefit review conference] by which disputed workers' compensation claims can be resolved without the necessity of a trial. For injuries which occur after January 1, 1997, the benefit review conference is mandatory, unless both the employer and employee (or their representatives) agree to waive the mandatory benefit review conference. See, *TCA* §50-6-239.



American Medical Association Guides to the Evaluation of Permanent Impairment or the Manual for Orthopedic Surgeons in Evaluating Permanent Physical Impairment.

As the trial court determines the amount of permanent partial disability to which an employee is entitled, the court not only is required to consider many factors (age, education, job skills, etc.) in addition to the permanent impairment rating but the court is also allowed to select among the various medical impairment ratings which may have been given. This creates the potential for variations in PPD awards to exist--not only among the 31 judicial districts, but also within the same judicial district. Therefore, the reader is encouraged to keep these variables in mind as this report is read and the results interpreted.

## **APPENDIX 4**

### **GLOSSARY OF STATISTICAL TERMS**

#### **analysis of variance (ANOVA)**

a study of the effect of a set of qualitative variables on a quantitative response variable, based on a decomposition of the variance of the latter. A significance test used to determine the difference in the data between judicial districts.

#### **Kruskal-Wallis test**

a significance test used to determine the difference in the data between judicial districts. A nonparametric version of the ANOVA.

#### **mean**

1. the sum of all data values divided by their number.
2. the arithmetic average

#### **median**

the value of the middle item when data are arranged in order of size.

#### **standard deviation**

a measure of variability representing an average distance of the data from the mean; its square is the variance.

#### **statistically significant**

1. a description of evidence in which the discrepancies between data sets are too large or improbable to be attributed to chance.
2. the variance within individual data sets (judicial districts) is less than the variance between the sets (judicial districts)



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